

Senate File 2257 - Introduced

SENATE FILE 2257
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3102)

A BILL FOR

1 An Act relating to juvenile justice including juvenile
2 delinquency, child in need of assistance and family in need
3 of assistance proceedings, juvenile justice reform, and
4 juvenile court expenses and costs, and including effective
5 date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

JUVENILE JUSTICE — CONSTRUCTION AND DEFINITIONS

Section 1. Section 232.1, Code 2022, is amended to read as follows:

232.1 Rules of construction.

This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure the least restrictive care for the child care as nearly as possible equivalent to that which should have been given by the parents child's placement with a preference for placement with the child's family or a fictive kin.

Sec. 2. Section 232.2, subsection 6, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

6. "*Child in need of assistance*" means a child who has been found to meet the grounds for adjudication pursuant to section 232.96A.

Sec. 3. Section 232.2, subsection 9, Code 2022, is amended to read as follows:

9. "*Court appointed special advocate*" means a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to ~~represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding~~ carry out duties pursuant to section 237.24.

Sec. 4. Section 232.2, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. "*Fictive kin*" means an adult person who is not a relative of a child but who has an emotionally

1 significant relationship with the child or the child's family.

2 NEW SUBSECTION. 20B. "*Foster care*" means the provision of
3 parental nurturing, including but not limited to the furnishing
4 of food, lodging, training, education, supervision, treatment,
5 or other care, to a child on a full-time basis by a person,
6 including an adult relative or fictive kin of the child, and
7 where the child is under the placement, care, or supervision
8 of the department, juvenile court services, or tribes with
9 whom the department has entered into an agreement pursuant
10 to a court order or voluntary placement, but not including a
11 guardian of the child.

12 Sec. 5. Section 232.2, subsection 21, paragraph a, Code
13 2022, is amended to read as follows:

14 a. "*Guardian*" means a person who is not the parent of
15 a child, but who has been appointed by a court ~~or juvenile~~
16 ~~court~~ having jurisdiction over the child, to have a permanent
17 self-sustaining relationship with the child and to make
18 important decisions which have a permanent effect on the life
19 and development of that child and to promote the general
20 welfare of that child. A guardian may be a court ~~or a juvenile~~
21 ~~court~~. Guardian does not mean conservator, as defined in
22 section 633.3, although a person who is appointed to be a
23 guardian may also be appointed to be a conservator.

24 Sec. 6. Section 232.2, subsection 22, paragraph a, Code
25 2022, is amended to read as follows:

26 a. "*Guardian ad litem*" means a person appointed by the
27 court to represent the interests of a child in any judicial
28 proceeding to which the child is a party, ~~and includes a court~~
29 ~~appointed special advocate, except that a court appointed~~
30 ~~special advocate shall not file motions or petitions pursuant~~
31 ~~to section 232.54, subsection 1, paragraphs "a" and "d", section~~
32 ~~232.103, subsection 2, paragraph "c", and section 232.111.~~

33 Sec. 7. Section 232.2, subsection 22, paragraph b,
34 unnumbered paragraph 1, Code 2022, is amended to read as
35 follows:

1 Unless otherwise enlarged or circumscribed after a finding
2 of good cause by a court or juvenile court having jurisdiction
3 over the child or by operation of law, the duties of a guardian
4 ad litem with respect to a child shall include the following:

5 Sec. 8. Section 232.2, subsection 22, paragraph b, Code
6 2022, is amended by adding the following new subparagraphs:

7 NEW SUBPARAGRAPH. (8) Submitting a written report to
8 the juvenile court and to each of the parties detailing
9 compliance with this subsection. If the guardian ad litem
10 is also appointed to represent the child as an attorney, the
11 written report shall contain an assessment of this dual role
12 and whether there is a need for the court to appoint a separate
13 guardian ad litem. A written report shall be submitted for
14 each court hearing unless otherwise ordered by the court.

15 NEW SUBPARAGRAPH. (9) Providing a sibling of a child
16 not placed with the child with the reasons why the child and
17 the sibling have not been placed together and an explanation
18 of the efforts being made to facilitate placement together
19 or why efforts to place the child and sibling together
20 are not appropriate. This subparagraph shall not apply if
21 the sibling's age or mental state makes such explanations
22 inappropriate.

23 Sec. 9. Section 232.2, subsection 22, Code 2022, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. e. In determining the best interests of
26 the child, rather than relying solely on a guardian ad litem's
27 life experiences or instinct, a guardian ad litem shall, with
28 the primary goal of achieving permanency for the child by
29 preserving the child's family or reunifying the child with the
30 child's family, do all of the following:

31 (1) Determine the child's circumstances through a full,
32 independent, and efficient investigation, including the
33 information gathered pursuant to this subsection.

34 (2) Assess the child at the moment of the determination
35 pursuant to subparagraph (1), including any potential trauma to

1 the child that may be caused by any recommended action.

2 (3) Examine all options available to the child in light of
3 the permanency plans.

4 (4) Utilize medical, mental health and educational
5 professionals, social workers, and other related experts.

6 (5) Incorporate a child's expressed wishes in
7 recommendations and reports.

8 Sec. 10. Section 232.2, Code 2022, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 35A. "*Neglect*" means the failure on the
11 part of a person responsible for the care of a child to provide
12 for adequate food, shelter, clothing, medical or mental health
13 treatment, supervision, or other care necessary for the child's
14 health and welfare when financially able to do so or when
15 offered financial or other reasonable means to do so.

16 Sec. 11. Section 232.2, subsection 42, Code 2022, is amended
17 to read as follows:

18 42. ~~"Physical abuse or neglect" or "abuse or neglect"~~
19 "Physical abuse" means any nonaccidental physical injury
20 suffered by a child as the result of the acts or omissions of
21 the child's parent, guardian, or custodian or other person
22 legally responsible for the child.

23 Sec. 12. Section 232.2, Code 2022, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 045A. "*Putative father*" means a person who
26 has been identified by the mother of a child as the child's
27 potential biological father or a person who claims to be the
28 biological father of a child and who was not married to the
29 child's mother at the time of the child's birth, when all of
30 the following circumstances apply:

31 a. Biological testing has not excluded the person as the
32 child's biological father.

33 b. No legal father has been established, biological
34 testing excludes the previously identified father, or previous
35 paternity has otherwise been disestablished.

1 *c.* Information sufficient to identify and find the person
2 has been provided to the county attorney by the mother, the
3 person, or a party to proceedings under this chapter.

4 *d.* The person has not been found by a court to be
5 uncooperative with genetic testing.

6 Sec. 13. Section 232.2, subsection 46A, Code 2022, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 46A. "*Relative*" means an individual related to a child
10 within the fourth degree of consanguinity or affinity, by
11 marriage, or through adoption. For purposes of subchapters III
12 and IV, "*relative*" includes the parent of a sibling of the child
13 if the sibling's parent's parental rights were not previously
14 terminated in relation to the child.

15 Sec. 14. Section 232.2, subsection 52, Code 2022, is amended
16 to read as follows:

17 52. "*Sibling*" means an individual who is related to
18 another individual by blood, adoption, or affinity through a
19 common legal or biological parent, regardless of whether a
20 common legal or biological parent's parental rights have been
21 terminated.

22 Sec. 15. Section 232.3, subsection 1, Code 2022, is amended
23 to read as follows:

24 1. During the pendency of an action under *this chapter*, a
25 party to the action is estopped from litigating concurrently
26 the custody, guardianship, or placement of a child who
27 is the subject of the action, in a court other than the
28 juvenile court. A district judge, district associate judge,
29 magistrate, or judicial hospitalization referee, upon notice
30 of the pendency of an action under *this chapter*, shall not
31 issue an order, finding, or decision relating to the custody,
32 guardianship, or placement of the child who is the subject of
33 the action, under any law, including but not limited to chapter
34 232D, 598, *598B*, or *633*.

35 DIVISION II

1 JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

2 Sec. 16. Section 232.19, subsection 1, paragraph c, Code
3 2022, is amended to read as follows:

4 c. By a peace officer, when the peace officer has
5 reasonable grounds to believe the child has run away from the
6 child's parents, guardian, or custodian, for the purposes
7 of determining whether the child shall be reunited with the
8 child's parents, guardian, or custodian, or placed in shelter
9 care, ~~or, if the child is a chronic runaway and the county has~~
10 ~~an approved county runaway treatment plan, placed in a runaway~~
11 ~~assessment center under~~ section 232.196.

12 DIVISION III

13 JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

14 Sec. 17. Section 232.37, subsection 4, Code 2022, is amended
15 to read as follows:

16 4. Service of summons or notice shall be made personally
17 by the sheriff by delivering a copy of the summons or notice
18 to the person being served. If the court determines that
19 personal service of a summons or notice is impracticable, the
20 court may order service by certified mail addressed to the last
21 known address, by publication, or by electronic mail or other
22 electronic means with the consent of the party to be served.
23 Service of summons or notice shall be made not less than five
24 days before the time fixed for hearing. Service of summons,
25 notice, subpoenas or other process, after an initial valid
26 summons or notice, shall be made in accordance with the rules
27 of the court governing such service in civil actions.

28 Sec. 18. Section 232.57, subsection 2, paragraphs d, e, f,
29 and g, Code 2022, are amended to read as follows:

30 d. The parent has been convicted of the murder of another
31 child ~~of the parent.~~

32 e. The parent has been convicted of the voluntary
33 manslaughter of another child ~~of the parent.~~

34 f. The parent has been convicted of aiding or abetting,
35 attempting, conspiring in, or soliciting the commission of

1 the murder or voluntary manslaughter of another child ~~of the~~
2 ~~parent~~.

3 *g.* The parent has been convicted of a felony assault which
4 resulted in serious bodily injury of the child or of another
5 child ~~of the parent~~.

6 DIVISION IV

7 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — CHILD ABUSE
8 REPORTING, ASSESSMENT, AND REHABILITATION

9 Sec. 19. Section 232.67, Code 2022, is amended to read as
10 follows:

11 **232.67 Legislative findings — purpose and policy.**

12 Children in this state are in urgent need of protection
13 from abuse. It is the purpose and policy of ~~this part 2 of~~
14 subchapter III to provide the greatest possible protection
15 to victims or potential victims of abuse through encouraging
16 the increased reporting of suspected cases of abuse, ensuring
17 the thorough and prompt assessment of these reports, and
18 providing rehabilitative services, where appropriate and
19 whenever possible to abused children and their families which
20 will stabilize the home environment so that the family can
21 remain intact without further danger to the child. The state
22 recognizes removing a child from the child's family will cause
23 the child harm and that the harm caused by a child's removal
24 must be weighed against the potential harm in allowing a child
25 to remain with the child's family.

26 Sec. 20. Section 232.68, subsection 2, paragraph a,
27 subparagraph (4), subparagraph division (a), Code 2022, is
28 amended to read as follows:

29 (a) The failure on the part of a person responsible for
30 the care of a child to provide for the adequate food, shelter,
31 clothing, medical or mental health treatment, supervision, or
32 other care necessary for the child's health and welfare when
33 financially able to do so or when offered financial or other
34 reasonable means to do so and the failure occurred within five
35 years of a report.

1 Sec. 21. Section 232.68, subsection 2, paragraph a,
2 subparagraph (7), Code 2022, is amended to read as follows:

3 (7) The person responsible for the care of a child,
4 in the presence of a child, as defined in section ~~232.2,~~
5 ~~subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph
6 ~~"e"~~, unlawfully uses, possesses, manufactures, cultivates,
7 or distributes a dangerous substance, as defined in section
8 ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16,
9 ~~paragraph "f"~~, or knowingly allows such use, possession,
10 manufacture, cultivation, or distribution by another person in
11 the presence of a child; possesses a product with the intent
12 to use the product as a precursor or an intermediary to a
13 dangerous substance in the presence of a child; or unlawfully
14 uses, possesses, manufactures, cultivates, or distributes a
15 dangerous substance specified in section 232.2, subsection 6,
16 ~~paragraph "p", subparagraph (2), subparagraph division (a),~~
17 ~~(b), or (c)~~ 232.96A, subsection 16, paragraph ~~"f"~~, subparagraph
18 (1), (2), or (3), in a child's home, on the premises, or in a
19 motor vehicle located on the premises and the incident occurred
20 within five years of a report to the department.

21 Sec. 22. Section 232.70, subsection 1, Code 2022, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 1. Each report made by a mandatory reporter, as defined
25 in section 232.69, subsection 1, or a permissive reporter, as
26 defined in section 232.69, subsection 2, shall be oral.

27 Sec. 23. Section 232.71B, subsection 11, Code 2022, is
28 amended to read as follows:

29 11. *Multidisciplinary team.* In each county or multicounty
30 area in which more than fifty child abuse reports are made
31 per year, the department shall establish a multidisciplinary
32 team, as defined in section 235A.13, subsection 8. Upon the
33 department's request, a multidisciplinary team shall assist
34 the department in the assessment, diagnosis, and disposition
35 of a child abuse assessment and the subsequent provision of

1 services.

2 DIVISION V

3 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TEMPORARY CUSTODY
4 OF A CHILD

5 Sec. 24. Section 232.78, subsection 1, paragraph b, Code
6 2022, is amended to read as follows:

7 b. It The court has found that substantial evidence
8 exists to demonstrate that the need for removal outweighs the
9 potential harm removal of the child would cause the child,
10 including but not limited to any physical, emotional, social,
11 and mental trauma the removal may cause the child.

12 c. The court finds that it appears that the child's
13 immediate removal is necessary to avoid imminent danger to
14 the child's life or health. The circumstances or conditions
15 indicating the presence of such imminent danger shall include
16 but are not limited to any of the following:

17 (1) The refusal or failure of the person responsible for
18 the care of the child to comply with the request of a peace
19 officer, juvenile court officer, or child protection worker
20 for such person to obtain and provide to the requester the
21 results of a physical or mental examination of the child. The
22 request for a physical examination of the child may specify the
23 performance of a medically relevant test.

24 (2) The refusal or failure of the person responsible for
25 the care of the child or a person present in the person's home
26 to comply with a request of a peace officer, juvenile court
27 officer, or child protection worker for such a person to submit
28 to and provide to the requester the results of a medically
29 relevant test of the person.

30 Sec. 25. Section 232.78, subsection 7, Code 2022, is amended
31 to read as follows:

32 7. Any order entered under this section authorizing
33 temporary removal of a child must include ~~both~~ all of the
34 following:

35 a. A determination made by the court that continuation

1 of the child in the child's home would be contrary to the
 2 welfare of the child. Such a determination must be made on a
 3 case-by-case basis. The grounds for the court's determination
 4 must be explicitly documented and stated in the order.
 5 However, preserving the safety of the child must be the court's
 6 paramount consideration. If imminent danger to the child's
 7 life or health exists at the time of the court's consideration,
 8 the determination shall not be a prerequisite to the removal
 9 of the child.

10 b. A determination made by the court that the necessity
 11 of the removal of the child from the child's home, due to an
 12 imminent risk to the child's life or health, is greater than
 13 the potential harm including but not limited to physical,
 14 emotional, social, and mental trauma the removal may cause the
 15 child.

16 ~~b.~~ c. A statement informing the child's parent that the
 17 consequences of a permanent removal may include termination of
 18 the parent's rights with respect to the child.

19 Sec. 26. Section 232.78, Code 2022, is amended by adding the
 20 following new subsection:

21 NEW SUBSECTION. 8. *a.* If the juvenile court determines
 22 that the child should be temporarily removed from the child's
 23 home under this section, the court shall consider placing the
 24 child in the custody of another parent of the child. If the
 25 juvenile court determines placing custody of the child with any
 26 of the child's parents is not in the child's best interests,
 27 the child's custody shall be transferred to the department for
 28 placement of the child in any of the following categories in
 29 the following order of priority:

30 (1) An adult relative of the child including but not limited
 31 to adult siblings and parents of siblings.

32 (2) A fictive kin.

33 (3) Any other suitable placement identified by the child's
 34 relatives.

35 (4) An individual licensed to provide foster care pursuant

1 to chapter 237. If the child is placed with a licensed foster
2 care provider, the department shall assign decision-making
3 authority to the foster care provider for the purpose of
4 applying the reasonable and prudent parent standard during the
5 child's placement.

6 (5) A group care facility, shelter care facility, or other
7 residential treatment facility.

8 b. If the juvenile court places custody of the child with
9 the department pursuant to paragraph "a", the court may identify
10 a category listed in paragraph "a", for placement of the child,
11 but the department shall have the sole authority to select the
12 specific person or facility within that category for placement.

13 c. A juvenile court shall not order placement of a child
14 in a category listed in paragraph "a", subparagraph (2), (3),
15 (4), or (5), without a specific finding that placement with a
16 relative is not in the child's best interests and shall provide
17 reasons for the court's finding.

18 Sec. 27. Section 232.79, subsection 2, Code 2022, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. 0c. Make every reasonable effort to place
21 the child with an adult relative or a fictive kin of the child.

22 Sec. 28. Section 232.79A, Code 2022, is amended to read as
23 follows:

24 **232.79A Children without adult supervision.**

25 If a peace officer determines that a child does not have
26 adult supervision because the child's parent, guardian, or
27 other person responsible for the care of the child has been
28 arrested and detained or has been unexpectedly incapacitated,
29 and that no adult who is legally responsible for the care
30 of the child can be located within a reasonable period of
31 time, the peace officer shall attempt to place the child with
32 an adult relative of the child, ~~an adult person who cares~~
33 ~~for the child, or another adult person who is known to the~~
34 child or a fictive kin. The person with whom the child is
35 placed is authorized to give consent for emergency medical

1 treatment of the child and shall not be held liable for any
 2 action arising from giving the consent. Upon the request
 3 of the peace officer, the department shall assist in making
 4 the placement. The placement shall not exceed a period of
 5 twenty-four hours and shall be terminated when a person who
 6 is legally responsible for the care of the child is located
 7 and takes custody of the child. If a person who is legally
 8 responsible for the care of the child cannot be located within
 9 the twenty-four hour period or a placement in accordance with
 10 this section is unavailable, the provisions of [section 232.79](#)
 11 shall apply. If the person with whom the child is placed
 12 charges a fee for the care of the child, the fee shall be paid
 13 from funds provided in the appropriation to the department for
 14 protective child care.

15 Sec. 29. NEW SECTION. **232.79B Safety plans.**

16 1. For the purposes of this section, "safety plan" means
 17 a short-term, time-limited agreement entered into between the
 18 department and a child's parent designed to address signs of
 19 imminent or impending danger to a child identified by the
 20 department.

21 2. Upon the department's determination that potential harm
 22 to a child may be mitigated by the development of a safety
 23 plan, the department may enter into a safety plan with the
 24 child's parent.

25 3. A safety plan shall not be construed as a removal from
 26 parental custody absent a court order placing the child with a
 27 person or facility other than the parent who entered into the
 28 safety plan.

29 4. The department shall adopt rules to implement this
 30 section.

31 Sec. 30. Section 232.82, Code 2022, is amended to read as
 32 follows:

33 **232.82 Removal of sexual offenders, and physical abusers, and**
 34 **domestic abusers from the residence pursuant to court order.**

35 1. Notwithstanding [section 561.15](#), if it is alleged by

1 a person authorized to file a petition under section 232.87,
 2 subsection 2, or by the court on its own motion, that a parent,
 3 guardian, custodian, or an adult member of the household in
 4 which a child resides has committed a sexual offense with or
 5 against the child, pursuant to [chapter 709](#) or [section 726.2](#), or
 6 a physical abuse as defined ~~by~~ in [section 232.2](#), subsection 42,
 7 or domestic abuse assault as defined in section 708.2A, against
 8 the child or another household member at a location or in a
 9 manner a reasonably prudent person would know the child could
 10 see, hear, or otherwise experience, the juvenile court may
 11 enter an ex parte order requiring the alleged sexual offender,
 12 ~~or physical abuser,~~ or domestic abuser to vacate the child's
 13 residence upon a showing that probable cause exists to believe
 14 that the sexual offense, ~~or physical abuse,~~ or domestic abuse
 15 has occurred and that substantial evidence exists to believe
 16 that the presence of the alleged sexual offender, ~~or physical~~
 17 abuser, or domestic abuser in the child's residence presents a
 18 danger to the child's life or physical, emotional, or mental
 19 health.

20 2. If an order is entered under [subsection 1](#) and a petition
 21 has not yet been filed under [this chapter](#), the petition shall
 22 be filed under [section 232.87](#) by the county attorney, the
 23 department of human services, or a juvenile court officer
 24 within three days of the entering of the order.

25 3. The juvenile court may order on its own motion, or
 26 shall order upon the request of the alleged sexual offender,
 27 ~~or physical abuser,~~ or domestic abuser a hearing to determine
 28 whether the order to vacate the residence should be upheld,
 29 modified, or vacated. The hearing shall be held within thirty
 30 days of removal of the alleged sexual offender, physical
 31 abuser, or domestic abuser from the residence. The juvenile
 32 court may in any later child in need of assistance proceeding
 33 uphold, modify, or vacate the order to vacate the residence.

34 Sec. 31. Section 232.84, subsection 2, Code 2022, is amended
 35 to read as follows:

1 2. ~~Within~~ Unless the custody of a child is transferred
2 from one of the child's parents to another parent of the
3 child, within thirty days after the entry of an order under
4 ~~this chapter transferring custody of a child to an agency for~~
5 ~~placement removing a child from the custody of a parent or~~
6 parents of the child, the agency department shall exercise due
7 diligence in identifying and providing notice to the child's
8 grandparents, aunts, uncles, adult siblings, parents of the
9 child's siblings, and adult relatives suggested by the child's
10 parents, subject to exceptions due to the presence of family or
11 domestic violence.

12 Sec. 32. Section 232.84, Code 2022, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 4. The agency may share information as
15 necessary to explore a child's potential placement with any
16 adult relative who may receive notice pursuant to subsection 2.

17 NEW SUBSECTION. 5. If an adult relative entitled to notice
18 pursuant to subsection 2 is later discovered by or identified
19 to the department, the department shall provide notice to that
20 relative within thirty days of that relative becoming known to
21 the department.

22 Sec. 33. NEW SECTION. **232.96A Child in need of assistance**
23 **adjudication.**

24 The court may adjudicate a child in need of assistance
25 if such child is unmarried and meets any of the following
26 requirements:

27 1. The child's parent, guardian, or other custodian has
28 abandoned or deserted the child.

29 2. The child's parent, guardian, other custodian, or
30 other member of the household in which the child resides has
31 physically abused or neglected the child, or is imminently
32 likely to physically abuse or neglect the child.

33 3. The child has suffered or is imminently likely to suffer
34 harmful effects as a result of any of the following:

35 a. Mental injury caused by the acts of the child's parent,

1 guardian, or custodian.

2 *b.* The failure of the child's parent, guardian, custodian,
3 or other member of the household in which the child resides to
4 exercise a reasonable degree of care in supervising the child.

5 *c.* The child's parent, guardian, custodian, or person
6 responsible for the care of a child as defined in section
7 232.68, has knowingly disseminated or exhibited obscene
8 material, as defined in section 728.1, to the child.

9 4. The child has been, or is imminently likely to be,
10 sexually abused by the child's parent, guardian, custodian, or
11 other member of the household in which the child resides.

12 5. The child is in need of medical treatment to cure,
13 alleviate, or prevent serious physical injury or illness and
14 whose parent, guardian, or custodian is unwilling or unable to
15 provide such treatment.

16 6. The child is in need of treatment to cure or alleviate
17 serious mental illness or disorder, or emotional damage
18 as evidenced by severe anxiety, depression, withdrawal, or
19 untoward aggressive behavior toward the child's self or others
20 and the child's parent, guardian, or custodian is unwilling to
21 provide such treatment.

22 7. The child's parent, guardian, or custodian fails to
23 exercise a minimal degree of care in supplying the child with
24 adequate food, clothing, or shelter and refuses other means
25 made available to provide such essentials.

26 8. The child has committed a delinquent act as a result
27 of pressure, guidance, or approval from a parent, guardian,
28 custodian, or other member of the household in which the child
29 resides.

30 9. The child has been the subject of or a party to sexual
31 activities for hire or who poses for live display or for
32 photographic or other means of pictorial reproduction or
33 display which is designed to appeal to the prurient interest,
34 is patently offensive, and taken as a whole, lacks serious
35 literary, scientific, political, or artistic value.

1 10. The child is without a parent, guardian, or other
2 custodian.

3 11. The child's parent, guardian, or other custodian for
4 good cause desires to be relieved of the child's care and
5 custody.

6 12. The child for good cause desires to have the child's
7 parents relieved of the child's care and custody.

8 13. The child is in need of treatment to cure or alleviate
9 chemical dependency and whose parent, guardian, or custodian is
10 unwilling or unable to provide such treatment.

11 14. The child's parent, guardian, or custodian suffers
12 from a mental incapacity, a mental condition, imprisonment, or
13 drug or alcohol abuse that results in the child not receiving
14 adequate care or being imminently likely not to receive
15 adequate care.

16 15. The child's body has an illegal drug present as a
17 direct and foreseeable consequence of the acts or omissions of
18 the child's parent, guardian, or custodian. The presence of
19 the drug shall be determined in accordance with a medically
20 relevant test as defined in section 232.73.

21 16. The child's parent, guardian, custodian, or other adult
22 member of the household in which a child resides does any of
23 the following:

24 *a.* Unlawfully uses, possesses, manufactures, cultivates, or
25 distributes a dangerous substance in the presence of the child.

26 *b.* Knowingly allows the use, possession, manufacture,
27 cultivation, or distribution of a dangerous substance by
28 another person in the presence of the child.

29 *c.* Possesses a product with the intent to use the product as
30 a precursor or an intermediary to a dangerous substance in the
31 presence of the child.

32 *d.* Unlawfully uses, possesses, manufactures, cultivates,
33 or distributes a dangerous substance listed in paragraph "f",
34 subparagraph (1), (2), or (3), in the child's home, on the
35 premises, or in a motor vehicle located on the premises.

1 *e.* For the purposes of this subsection, "*in the presence of*
2 *a child*" means in the physical presence of a child or occurring
3 under other circumstances in which a reasonably prudent person
4 would know that the use, possession, manufacture, cultivation,
5 or distribution of a dangerous substance may be seen, smelled,
6 ingested, or heard by a child.

7 *f.* For the purposes of this subsection, "*dangerous*
8 *substance*" means any of the following:

9 (1) Amphetamine, its salts, isomers, or salts of its
10 isomers.

11 (2) Methamphetamine, its salts, isomers, or salts of its
12 isomers.

13 (3) A chemical or combination of chemicals that poses a
14 reasonable risk of causing an explosion, fire, or other danger
15 to the life or health of persons who are in the vicinity while
16 the chemical or combination of chemicals is used or is intended
17 to be used in any of the following:

18 (a) The process of manufacturing an illegal or controlled
19 substance.

20 (b) As a precursor in the manufacturing of an illegal or
21 controlled substance.

22 (c) As an intermediary in the manufacturing of an illegal
23 or controlled substance.

24 (4) Cocaine, its salts, isomers, salts of its isomers, or
25 derivatives.

26 (5) Heroin, its salts, isomers, salts of its isomers, or
27 derivatives.

28 (6) Opium and opiate, and any salt, compound, derivative, or
29 preparation of opium or opiate.

30 17. The child is a newborn infant whose parent has
31 voluntarily released custody of the child in accordance with
32 chapter 233.

33 DIVISION VI

34 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

35 Sec. 34. Section 232.89, subsection 1, Code 2022, is amended

1 to read as follows:

2 1. Upon the filing of a petition the parent, guardian,
3 putative father, or custodian identified in the petition shall
4 have the right to counsel in connection with all subsequent
5 hearings and proceedings. If that person desires but is
6 financially unable to employ counsel, the court shall appoint
7 counsel.

8 Sec. 35. Section 232.89, subsection 2, paragraph a, Code
9 2022, is amended to read as follows:

10 a. If the child is represented by counsel and the court
11 determines there is a conflict of interest between the child
12 and the child's parent, guardian, putative father, or custodian
13 and that the retained counsel could not properly represent the
14 child as a result of the conflict, the court shall appoint
15 other counsel to represent the child, who shall be compensated
16 pursuant to the provisions of [subsection 3](#).

17 Sec. 36. Section 232.89, subsection 4, Code 2022, is amended
18 to read as follows:

19 4. The same person may serve both as the child's counsel
20 and as guardian ad litem. However, the court may appoint a
21 separate guardian ad litem, if the same person cannot properly
22 represent the legal interests of the child as legal counsel
23 and also represent the best interest of the child as guardian
24 ad litem in accordance with section 232.2, subsection 22,
25 paragraph "e", or a separate guardian ad litem is required
26 to fulfill the requirements of [subsection 2](#). If a child's
27 guardian ad litem is also acting as an attorney for the child,
28 each report submitted to a court by the guardian ad litem shall
29 contain a statement indicating whether a separate guardian ad
30 litem is required based on the guardian ad litem's interviews
31 and investigations conducted until the time a report is
32 submitted to the court.

33 Sec. 37. Section 232.91, subsections 1, 2, 3, and 4, Code
34 2022, are amended to read as follows:

35 1. Any hearings or proceedings under [this subchapter](#)

1 subsequent to the filing of a petition shall not take place
2 without the presence of the child's parent, guardian,
3 custodian, or guardian ad litem in accordance with and subject
4 to [section 232.38](#). A parent without custody ~~may petition~~
5 ~~the court to~~ shall be made a party to proceedings under this
6 subchapter.

7 2. An agency, facility, institution, ~~or person~~ adult
8 relative with a substantial relationship to the child, fictive
9 kin, including a foster parent or an individual providing
10 preadoptive care, or individual providing custodial care to the
11 child may petition the court to be made a party to proceedings
12 under [this subchapter](#).

13 3. Any person who is entitled under [section 232.88](#) to
14 receive notice of a hearing concerning a child shall be given
15 the opportunity to be heard in any other review or hearing
16 involving the child. A foster parent, adult relative, or other
17 individual with whom a child has been placed for preadoptive
18 care shall have the right to be heard in any proceeding
19 involving the child. If a child is of an age appropriate to
20 attend the hearing but the child does not attend, the court
21 shall determine if the child was informed of the child's right
22 to attend the hearing. A presumption exists that it is in the
23 best interests of a child ~~fourteen~~ ten years of age or older to
24 attend all hearings.

25 4. If a child is of an age appropriate to attend a hearing
26 but the child does not attend, the court shall determine if the
27 child was informed of the child's right to attend the hearing.
28 A presumption exists that it is in the best interests of a
29 child ~~fourteen~~ ten years of age or older to attend all hearings
30 and all staff or family meetings involving placement options
31 or services provided to the child. The department shall allow
32 the child to attend all such hearings and meetings unless the
33 attorney for the child finds the child's attendance is not in
34 the best interests of the child. If the child is excluded from
35 attending a hearing or meeting, the department shall maintain a

1 written record detailing the reasons for excluding the child.
2 Notwithstanding [sections 232.147 through 232.151](#), a copy of the
3 written record shall be made available to the child upon the
4 request of the child after reaching the age of majority.

5 Sec. 38. NEW SECTION. **232.94B Continuances.**

6 A court may grant a continuance in a child in need of
7 assistance proceeding or a termination of a parent-child
8 relationship proceeding only for good cause shown.

9 Sec. 39. Section 232.95, subsection 2, Code 2022, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:

12 2. *a.* Upon such hearing, the court may do any of the
13 following:

14 (1) Return the child to a person with legal custody of the
15 child pending a final order of disposition.

16 (2) Remove the child from home and place the child with a
17 parent of the child pending a final order of disposition.

18 (3) Remove the child from home and place custody of the
19 child with the department for placement of the child, pending a
20 final order of disposition, in any of the following categories
21 in the following order of priority:

22 (a) An adult relative of the child including but not limited
23 to adult siblings and parents of siblings.

24 (b) A fictive kin.

25 (c) Any other suitable placement identified by the child's
26 relatives.

27 (d) An individual licensed to provide foster care pursuant
28 to chapter 237. If the child is placed with a licensed foster
29 care provider, the department shall assign decision-making
30 authority to the foster care provider for the purpose of
31 applying the reasonable and prudent parent standard during the
32 child's placement.

33 (e) A group care facility, shelter care facility, or other
34 residential treatment facility.

35 (4) Authorize a physician or hospital to provide medical

1 or surgical procedures if such procedures are necessary to
2 safeguard the child's life or health.

3 Sec. 40. Section 232.95, Code 2022, is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. 5. a. If the court orders a removal
6 pursuant to subsection 2, paragraph "a", subparagraph (2) or
7 (3), the court shall, in addition, make a determination that
8 continuation of the child in the child's home would be contrary
9 to the welfare of the child, and that reasonable efforts have
10 been made to prevent or eliminate the need for removal of the
11 child from the child's home. The court shall also make a
12 finding that substantial evidence exists to demonstrate that
13 the need for removal due to an imminent risk to the child's
14 life or health is greater than the potential harm including
15 but not limited to any physical, emotional, social, or mental
16 trauma the removal may cause the child.

17 b. If the court orders a return of a child pursuant to
18 subsection 2, paragraph "a", subparagraph (1), the court's
19 determination regarding continuation of the child in the
20 child's home and regarding reasonable efforts, including
21 those made to prevent removal and those made to finalize any
22 permanency plan in effect as well as any determination by the
23 court that reasonable efforts are not required, must be made
24 on a case-by-case basis. The grounds for each determination
25 must be specifically documented and stated in the court order.
26 However, preserving the safety of the child must be the court's
27 paramount consideration. If imminent danger to the child's
28 life or health exists at the time of the court's consideration,
29 the determinations otherwise required under this paragraph
30 shall not be a prerequisite for an order for temporary removal
31 of the child.

32 NEW SUBSECTION. 6. a. If the court places custody of the
33 child with the department pursuant to subsection 2, paragraph
34 "a", subparagraph (3), the court may identify a category listed
35 in subsection 2, paragraph "a", subparagraph (3), for placement

1 of the child, but the department shall have sole authority to
2 select the specific person or facility within that category for
3 placement.

4 *b.* The court shall not order placement of a child in
5 a category identified in subsection 2, paragraph "a",
6 subparagraph (3), subparagraph division (b), (c), (d), or
7 (e), without a specific finding that placement with an adult
8 relative is not in the child's best interest and providing
9 reasons for the finding.

10 *c.* If the court orders the removal of a child pursuant
11 to subsection 2, paragraph "a", subparagraph (2) or (3), the
12 order shall also include a statement informing the child's
13 parent that the consequences of a permanent removal may include
14 termination of the parent's rights with respect to the child.

15 Sec. 41. Section 232.96, subsection 6, Code 2022, is amended
16 to read as follows:

17 6. A report, study, record, or other writing or an
18 audiotape or videotape recording made by the department of
19 human services, a juvenile court officer, a peace officer, a
20 child protection center, or a hospital relating to a child in a
21 proceeding under this subchapter is admissible notwithstanding
22 any objection to hearsay statements contained in it provided
23 it is relevant and material and provided its probative value
24 substantially outweighs the danger of unfair prejudice to the
25 child's parent, guardian, or custodian. The circumstances of
26 the making of the report, study, record or other writing or an
27 audiotape or videotape recording, including the maker's lack of
28 personal knowledge, may be proved to affect its weight.

29 Sec. 42. Section 232.96, subsection 10, Code 2022, is
30 amended to read as follows:

31 10. If the court enters an order adjudicating the child
32 to be a child in need of assistance, the court, if it has not
33 previously done so, may issue an order authorizing temporary
34 removal of the child from the child's home as set forth in
35 section 232.95, subsection 2, paragraph "a", subparagraph (2)

1 or (3), pending a final order of disposition. The order shall
 2 include ~~both~~ all of the following:

3 a. A determination that continuation of the child in the
 4 child's home would be contrary to the welfare of the child,
 5 ~~and that reasonable efforts, as defined in section 232.102,~~
 6 have been made to prevent or eliminate the need for removal of
 7 the child from the child's home and the court has found that
 8 substantial evidence exists to demonstrate that the need for
 9 removal due to an imminent risk to the child's life or health
 10 is greater than the potential harm including but not limited to
 11 any physical, emotional, social, or mental trauma the removal
 12 may cause the child. The court's determination regarding
 13 continuation of the child in the child's home, and regarding
 14 reasonable efforts, including those made to prevent removal
 15 and those made to finalize any permanency plan in effect, as
 16 well as any determination by the court that reasonable efforts
 17 are not required, must be made on a case-by-case basis. The
 18 grounds for each determination must be explicitly documented
 19 and stated in the court order. However, preserving the safety
 20 of the child is the paramount consideration. If imminent
 21 danger to the child's life or health exists at the time of the
 22 court's consideration, the determinations otherwise required
 23 under this paragraph shall not be a prerequisite for an order
 24 for temporary removal of the child.

25 b. A statement informing the child's parent that the
 26 consequences of a permanent removal may include termination of
 27 the parent's rights with respect to the child.

28 c. If the court orders a removal of a child pursuant to this
 29 subsection and placement of a child pursuant to section 232.95,
 30 subsection 2, paragraph "a", subparagraph (3), subparagraph
 31 division (b), (c), (d), or (e), a specific finding that
 32 placement with an adult relative is not in the child's best
 33 interest and the reasons for the finding.

34 Sec. 43. Section 232.96, Code 2022, is amended by adding the
 35 following new subsection:

1 NEW SUBSECTION. 11. If the court places custody of the
 2 child with the department pursuant to subsection 10, the court
 3 may identify a category listed in section 232.95, subsection 2,
 4 paragraph "a", subparagraph (3), for placement of the child, but
 5 the department shall have sole authority to select the specific
 6 person or facility within that category for placement.

7 Sec. 44. Section 232.97, subsection 3, Code 2022, is amended
 8 to read as follows:

9 3. The social report shall not be disclosed except as
 10 provided in this section and except as otherwise provided in
 11 this chapter. At least five days prior to the hearing at which
 12 the disposition is determined, the ~~court~~ department shall ~~send~~
 13 file a copy of the social report ~~to~~ with the court and the court
 14 shall restrict access of the social report to the public except
 15 for counsel for the child, counsel for the child's parent, the
 16 state's counsel, a guardian, or custodian, the department, the
 17 court appointed special advocate, a local board as defined in
 18 section 237.15, the county attorney, and the guardian ad litem.
 19 The court may in its discretion order counsel not to disclose
 20 parts of the report to the child, or to the parent, guardian,
 21 or custodian ~~if disclosure would seriously harm the treatment~~
 22 ~~or rehabilitation of the child or would violate a promise of~~
 23 ~~confidentiality given to a source of information.~~ If the
 24 report indicates the child or parent has behaved in a manner
 25 that threatened the safety of another person, has committed a
 26 violent act causing bodily injury to another person, or has
 27 committed sexual abuse, or the child has been a victim ~~or~~
 28 ~~perpetrator~~ of sexual abuse, unless otherwise ordered by the
 29 court, the child's parent, guardian, or foster parent or other
 30 person with custody of or providing substantial care to the
 31 child shall be provided with that information.

32 Sec. 45. Section 232.102, subsection 1, paragraph a, Code
 33 2022, is amended by striking the paragraph and inserting in
 34 lieu thereof the following:

35 a. After a dispositional hearing, the court may enter an

1 order transferring the legal custody of the child to a parent
2 of the child. If the court finds that custody with either
3 of the child's parents is not in the child's best interests,
4 the child's custody shall be transferred to the department for
5 placement of the child in any of the following categories in
6 the following order of priority:

7 (1) An adult relative of the child including but not limited
8 to adult siblings and parents of siblings.

9 (2) A fictive kin.

10 (3) Any other suitable placement identified by the child's
11 relatives.

12 (4) An individual licensed to provide foster care pursuant
13 to chapter 237. If the child is placed with a licensed foster
14 care provider, the department shall assign decision-making
15 authority to the foster care provider for the purpose of
16 applying the reasonable and prudent parent standard during the
17 child's placement.

18 (5) A group care facility, shelter care facility, or other
19 residential treatment facility.

20 *b.* If a court places custody of the child with the
21 department pursuant to paragraph "a", the court may identify a
22 category listed in paragraph "a", for placement of the child,
23 but the department shall have the sole authority to select the
24 specific person or facility within that category for placement.

25 *c.* A court shall not order placement of a child in a
26 category identified in paragraph "a", subparagraph (2), (3),
27 (4), or (5) without a specific finding that placement with
28 an adult relative is not in the child's best interest and
29 providing reasons for the court's finding.

30 *d.* If the child is sixteen years of age or older, the
31 order shall specify the services needed to assist the child in
32 preparing for the transition from foster care to adulthood. If
33 the child has a case permanency plan, the court shall consider
34 the written transition plan of services and needs assessment
35 developed for the child's case permanency plan. If the child

1 does not have a case permanency plan containing the transition
 2 plan and needs assessment at the time the order is entered, the
 3 written transition plan and needs assessment shall be developed
 4 and submitted for the court's consideration no later than six
 5 months from the date of the transfer order. The court shall
 6 modify the initial transfer order as necessary to specify
 7 the services needed to assist the child in preparing for the
 8 transition from foster care to adulthood. If the transition
 9 plan identifies services or other support needed to assist
 10 the child when the child becomes an adult and the court deems
 11 it to be beneficial to the child, the court may authorize
 12 the individual who is the child's guardian ad litem or court
 13 appointed special advocate to continue a relationship with and
 14 provide advice to the child for a period of time beyond the
 15 child's eighteenth birthday.

16 Sec. 46. Section 232.102, subsections 2 and 5, Code 2022,
 17 are amended by striking the subsections.

18 Sec. 47. Section 232.102, subsection 10, Code 2022, is
 19 amended by striking the subsection and inserting in lieu
 20 thereof the following:

21 10. Unless prohibited by court order or the department or
 22 juvenile court services finds that allowing the visitation
 23 would not be in the child's best interest, the department or
 24 juvenile court services may authorize reasonable visitation
 25 between the child and the child's adult relative or a fictive
 26 kin.

27 Sec. 48. NEW SECTION. **232.102A Reasonable efforts.**

28 1. For the purposes of this subchapter:

29 a. "*Reasonable efforts*" means the efforts made to preserve
 30 and unify a family prior to the out-of-home placement of a
 31 child in foster care or to eliminate the need for removal of
 32 the child or make it possible for the child to safely return
 33 to the family's home. Reasonable efforts include but are not
 34 limited to giving consideration, if appropriate, to interstate
 35 placement of a child in the permanency planning decisions

1 involving the child and giving consideration to in-state and
2 out-of-state placement options at a permanency hearing and
3 when using concurrent planning. If returning the child to the
4 family's home is not appropriate or not possible, reasonable
5 efforts shall include the efforts made in a timely manner to
6 finalize a permanency plan for the child. A child's health
7 and safety shall be the paramount concern in making reasonable
8 efforts. Reasonable efforts may include but are not limited
9 to family-centered services, if the child's safety in the home
10 can be maintained during the time the services are provided.
11 In determining whether reasonable efforts have been made, the
12 court shall consider all of the following:

13 (1) The type, duration, and intensity of services or support
14 offered or provided to the child and the child's family. If
15 family-centered services were not provided, the court record
16 shall enumerate the reasons the services were not provided,
17 including but not limited to whether the services were not
18 available, not accepted by the child's family, judged to be
19 unable to protect the child and the child's family during
20 the time the services would have been provided, judged to be
21 unlikely to be successful in resolving the problems which would
22 lead to removal of the child, or other services were found to
23 be more appropriate.

24 (2) The relative risk to the child of remaining in the
25 child's home versus removal of the child.

26 *b. "Family-centered services"* means services and other
27 support intended to safely maintain a child with the child's
28 family or with an adult relative, to safely and in a timely
29 manner return a child to the home of the child's parent or
30 relative, or to promote achievement of concurrent planning
31 goals by identifying and helping the child secure placement for
32 adoption, with a guardian, or with other alternative permanent
33 family connections. Family-centered services include services
34 adapted to the individual needs of a family in regard to the
35 specific services and other support provided to the child's

1 family and the intensity and duration of service delivery and
2 services intended to preserve a child's connections to the
3 child's neighborhood, community, and family and to improve the
4 overall capacity of the child's family to provide for the needs
5 of the children in the family.

6 2. Family interactions shall continue regardless of a
7 parent's failure to comply with the requirements of a court
8 order or the department, provided there is no finding by
9 a court or the department that such interaction would be
10 detrimental to the child.

11 3. The performance of reasonable efforts to place a child
12 for adoption or with a guardian may be made concurrently with
13 making reasonable efforts as defined in this section.

14 4. If the court determines by clear and convincing evidence
15 that aggravated circumstances exist supported by written
16 findings of fact based upon evidence in the record, the court
17 may waive the requirement for making reasonable efforts. The
18 existence of aggravated circumstances is indicated by any of
19 the following:

20 a. The parent has abandoned the child.

21 b. The court finds the circumstances described in section
22 232.116, subsection 1, paragraph "i", are applicable to the
23 child.

24 c. The parent's parental rights have been terminated under
25 section 232.116 or involuntarily terminated by an order of a
26 court of competent jurisdiction in another state with respect
27 to another child who is a member of the same family, and there
28 is clear and convincing evidence to show that the offer or
29 receipt of services would not be likely within a reasonable
30 period of time to correct the conditions which led to the
31 child's removal.

32 d. The parent has been convicted of the murder of another
33 child.

34 e. The parent has been convicted of the voluntary
35 manslaughter of another child.

1 *f.* The parent has been convicted of aiding or abetting,
2 attempting, conspiring in, or soliciting the commission of the
3 murder or voluntary manslaughter of another child.

4 *g.* The parent has been convicted of a felony assault which
5 resulted in serious bodily injury to the child or another
6 child.

7 5. Prior services the state provided to the family shall not
8 be considered in making a determination as to whether a waiver
9 of reasonable efforts is appropriate.

10 Sec. 49. Section 232.103, subsection 2, paragraph b, Code
11 2022, is amended to read as follows:

12 *b.* The child's parent, guardian or custodian, except that
13 such motion may be filed by that person not more often than
14 once every ~~six months~~ sixty days except with leave of court for
15 good cause shown.

16 Sec. 50. Section 232.103A, Code 2022, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 8. A court-appointed attorney shall be paid
19 by the state public defender's office at the court's discretion
20 for work done relating to a bridge order.

21 Sec. 51. Section 232.104, subsection 2, paragraph d,
22 subparagraphs (1) and (2), Code 2022, are amended by striking
23 the subparagraphs and inserting in lieu thereof the following:

24 (1) Transfer sole custody of the child from one parent to
25 another parent.

26 (2) Transfer guardianship and custody of the child to an
27 adult relative, a fictive kin, or another suitable person.

28 Sec. 52. Section 232.104, Code 2022, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 4A. A court shall apply all requirements of
31 section 232.102, subsection 1, paragraph "a", when entering a
32 permanency order pursuant to subsection 2, paragraph "d".

33 Sec. 53. Section 232.108, subsections 1, 2, and 3, Code
34 2022, are amended to read as follows:

35 1. If the court orders the transfer of custody of a

1 child and siblings to the department or other agency for
 2 placement under ~~this subchapter~~, under ~~subchapter II~~, relating
 3 ~~to juvenile delinquency proceedings, or under any other~~
 4 ~~provision of this chapter~~, the department or other agency
 5 shall make a reasonable effort efforts to place the child and
 6 siblings together ~~in the same placement~~ whenever possible if
 7 such placement is in the best interest of each child. The
 8 requirement of ~~this subsection~~ remains applicable to custody
 9 transfer orders made at separate times and provided the
 10 requirement will not jeopardize the stability of placements
 11 and is in the best interest of each child. The requirement of
 12 this subsection also applies in addition to efforts made ~~by~~
 13 ~~the department or agency~~ to place the child with a an adult
 14 relative.

15 2. If the requirements of ~~subsection 1~~ apply but the
 16 siblings are not placed in the same placement together, the
 17 ~~department or other agency~~ child's attorney or guardian ad
 18 litem shall provide the siblings with the reasons why and the
 19 efforts being made to facilitate such placement, or why making
 20 efforts for such placement is not appropriate. An explanation
 21 is not required if the ages or mental states of the siblings
 22 make such an explanation inappropriate. Unless visitation or
 23 ongoing interaction with siblings is suspended or terminated
 24 by the court, the department or agency shall make reasonable
 25 effort to provide for ~~frequent~~ visitation or other ongoing
 26 interaction between the child and the child's siblings from
 27 the time of the child's out-of-home placement until the child
 28 returns home or is in a permanent placement.

29 3. A person who wishes to assert a sibling relationship
 30 with a child who is subject to an order under ~~this chapter~~ for
 31 an out-of-home placement and to request ~~frequent~~ visitation
 32 or other ongoing interaction with the child may file a motion
 33 or petition with the court with jurisdiction over the child.
 34 Unless the court determines it would not be in the child's best
 35 interest, upon finding that the person is a sibling of the

1 child, the provisions of [this section](#) providing for frequent
2 visitation or other ongoing interaction between the siblings
3 shall apply. Nothing in [this section](#) is intended to provide or
4 expand a right to counsel under [this chapter](#) beyond the right
5 provided and persons specified in [sections 232.89](#) and [232.113](#).

6 DIVISION VII

7 TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

8 Sec. 54. Section 232.111, subsection 2, paragraph a,
9 subparagraphs (2), (4), (5), and (6), Code 2022, are amended
10 to read as follows:

11 (2) A court has determined aggravated circumstances exist
12 and has waived the requirement for making reasonable efforts
13 under, as defined in [section 232.102 232.102A](#) because the court
14 has found the circumstances described in section 232.116,
15 subsection 1, paragraph "i", are applicable to the child.

16 (4) The parent has been convicted of the murder or the
17 voluntary manslaughter of another child ~~of the parent~~.

18 (5) The parent has been convicted of aiding or abetting,
19 attempting, conspiring in, or soliciting the commission of
20 the murder or voluntary manslaughter of another child ~~of the~~
21 ~~parent~~.

22 (6) The parent has been convicted of a felony assault which
23 resulted in serious bodily injury of the child or of another
24 child ~~of the parent~~.

25 Sec. 55. Section 232.112, subsection 3, Code 2022, is
26 amended to read as follows:

27 3. Notice under [this section](#) shall be served personally,
28 sent by restricted certified mail, or sent by electronic mail
29 or other electronic means with the consent of the party to be
30 served, whichever is determined by the court to be the most
31 effective means of notification. If the court determines
32 that personal service is impracticable, the court may order
33 service by publication. Such notice shall be made according
34 to the rules of civil procedure relating to an original notice
35 where not inconsistent with the provisions of [this section](#).

1 Notice by personal delivery and notice sent by electronic
2 mail or other electronic means with the consent of the party
3 to be served shall be served not less than seven days prior
4 to the hearing on termination of parental rights. Notice by
5 restricted certified mail shall be sent not less than fourteen
6 days prior to the hearing on termination of parental rights.
7 A notice by restricted certified mail which is refused by the
8 necessary party given notice shall be sufficient notice to the
9 party under [this section](#).

10 Sec. 56. Section 232.116, subsection 1, paragraph d,
11 subparagraph (1), Code 2022, is amended to read as follows:

12 (1) The court has previously adjudicated the child to be
13 a child in need of assistance after finding the child to have
14 been physically or sexually abused or neglected as the result
15 of the acts or omissions of one or both parents, or the court
16 has previously adjudicated a child who is a member of the
17 same family to be a child in need of assistance after such a
18 finding. This paragraph shall not be construed to require that
19 a finding of sexual abuse or neglect requires a finding of a
20 nonaccidental physical injury.

21 Sec. 57. Section 232.116, subsection 1, paragraph i,
22 subparagraph (1), Code 2022, is amended to read as follows:

23 (1) The child meets the definition of child in need of
24 assistance based on a finding of physical or sexual abuse or
25 neglect as a result of the acts or omissions of one or both
26 parents. This paragraph shall not be construed to require that
27 a finding of sexual abuse or neglect requires a finding of a
28 nonaccidental physical injury.

29 Sec. 58. Section 232.116, subsection 1, paragraph 1,
30 subparagraphs (1) and (2), Code 2022, are amended by striking
31 the subparagraphs and inserting in lieu thereof the following:

32 (1) The child is adjudicated a child in need of assistance
33 pursuant to section 232.96 and custody has been transferred
34 from the child's parents for placement pursuant to section
35 232.102.

1 (2) The parent has a severe substance-related disorder as
2 described by either of the following:

3 (a) The severe substance-related disorder meets the
4 definition for that term as defined in the most current edition
5 of the diagnostic and statistical manual prepared by the
6 American psychiatric association, and the parent presents a
7 danger to self or others as evidenced by prior acts.

8 (b) The disorder is evidenced by continued and repeated use
9 through the case, the parent's refusal to obtain a substance
10 abuse evaluation or treatment after given the opportunity to
11 do so, and the parent presents a danger to self or others as
12 evidenced by prior acts.

13 Sec. 59. Section 232.117, subsection 3, Code 2022, is
14 amended by striking the subsection and inserting in lieu
15 thereof the following:

16 3. If the court concludes that facts sufficient to sustain
17 the petition have been established by clear and convincing
18 evidence, the court may order parental rights terminated. If
19 the court terminates the parental rights of a child's parent,
20 the court shall transfer the guardianship and custody of the
21 child to a parent of the child whose parental rights have not
22 been terminated. If the court finds guardianship and custody
23 with the child's parents is not in the child's best interests,
24 guardianship and custody shall be transferred for placement of
25 the child in any of the following categories in the following
26 order of priority:

27 a. The department if the department had custody of the child
28 at the time of the filing of the petition for termination of
29 parental rights, or if custody with the department is necessary
30 to facilitate the permanency or adoption goal, unless the
31 department waives its priority.

32 b. An adult relative of the child, including but not limited
33 to adult siblings or parents of siblings.

34 c. A fictive kin.

35 d. A child-placing agency or other suitable private agency,

1 facility, or institution which is licensed or otherwise
2 authorized by law to receive and to provide care for the child.

3 Sec. 60. Section 232.117, subsection 4, Code 2022, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 4. If the court orders a termination of parental rights
7 and siblings are not placed together but have an existing
8 relationship, the court shall order ongoing contact between
9 the siblings in accordance with section 232.108 if the court
10 finds that either visitation or ongoing interaction is in the
11 best interests of each sibling. This subsection shall not be
12 construed to require visitation between a child and a parent
13 whose parental rights have been terminated as to that child,
14 even if a sibling remains with the parent.

15 Sec. 61. Section 232.118, subsection 1, Code 2022, is
16 amended by adding the following new paragraphs:

17 NEW PARAGRAPH. a. The moving party or a party opposed to
18 the actions of the guardian has the burden to establish that
19 the court-appointed guardian failed to act in the child's best
20 interest by unreasonably or irresponsibly failing to discharge
21 the guardian's duties in finding a suitable adoptive home for
22 the child.

23 NEW PARAGRAPH. b. The court shall give deference to the
24 decision of the guardian and shall not conduct a de novo review
25 of the guardian's decision regarding placement of the child.

26 DIVISION VIII

27 FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

28 Sec. 62. Section 232.126, subsection 2, Code 2022, is
29 amended to read as follows:

30 2. The court may appoint a court appointed special
31 advocate ~~to act as guardian ad litem~~. The court appointed
32 special advocate shall receive notice of and may attend all
33 depositions, hearings, and trial proceedings to support the
34 child and advocate for the protection of the child. The court
35 appointed special advocate shall not be allowed to separately

1 introduce evidence or to directly examine or cross-examine
2 witnesses. The court appointed special advocate shall submit
3 reports to the court and the parties to the proceedings
4 containing the information required in reports submitted by
5 a court appointed special advocate under section ~~232.89,~~
6 ~~subsection 5~~ 237.24, subsection 4. In addition, the court
7 appointed special advocate shall file other reports to the
8 court as required by the court.

9 Sec. 63. Section 232.127, subsection 8, Code 2022, is
10 amended to read as follows:

11 8. The court shall not order group foster care placement of
12 the child which is a charge upon the state if ~~that placement~~
13 ~~is not in accordance with the service area plan for group~~
14 ~~foster care established pursuant to section 232.143 for the~~
15 ~~departmental service area in which the court is located unless~~
16 the group foster care meets requirements as established by the
17 department in writing.

18 Sec. 64. NEW SECTION. **237.24 Court appointed special**
19 **advocates.**

20 1. A court appointed special advocate shall receive notice
21 of all depositions, hearings, and trial proceedings in a matter
22 to which the court appointed special advocate is appointed.

23 2. A court appointed special advocate shall not introduce
24 evidence unless requested by a court, juvenile court, or a
25 party in a matter to which the court appointed special advocate
26 is appointed.

27 3. A court appointed special advocate shall not examine or
28 cross-examine witnesses.

29 4. A court appointed special advocate shall:

30 a. Support a child at each deposition, hearing, and trial
31 proceeding and advocate for the best interests of the child.

32 b. Submit a written report to the court or juvenile court
33 and to each party to a proceeding detailing the court appointed
34 special advocate's initial investigation, recommending
35 placement for the child, and providing other recommendations

1 as the court appointed special advocate believes are in the
2 child's best interests.

3 c. Submit periodic reports to the court or juvenile court
4 with jurisdiction over a child and parties to the child's
5 proceedings detailing the child's situation as long as the
6 child remains under the jurisdiction of the court or juvenile
7 court.

8 d. File other reports as ordered by a court or juvenile
9 court.

10

DIVISION IX

11 JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION

12

HOMES

13 Sec. 65. Section 232.141, subsection 8, Code 2022, is
14 amended to read as follows:

15 8. **This subsection** applies only to placements in a juvenile
16 shelter care home which is publicly owned, operated as a county
17 or multicounty shelter care home, organized under a **chapter 28E**
18 agreement, or operated by a private juvenile shelter care home.
19 If the actual and allowable costs of a child's shelter care
20 placement exceed the amount the department is authorized to
21 ~~pay in accordance with law and administrative rule,~~ the unpaid
22 costs may be recovered from the child's custodial parent's
23 county of residence. However, the maximum amount of the
24 unpaid costs which may be recovered under **this subsection** is
25 limited to the difference between the amount the department is
26 authorized to pay and the statewide average of the actual and
27 ~~allowable rates in effect in May of the preceding fiscal year~~
28 ~~for reimbursement of juvenile shelter care homes as reasonably~~
29 ~~determined by the department annually. In no case shall the~~
30 A home may only be reimbursed for more than the lesser of the
31 home's actual and allowable costs or the statewide average of
32 the actual and allowable rates as determined by the department
33 in effect on the date the costs were paid. The unpaid costs
34 are payable pursuant to filing of verified claims against the
35 child's custodial parent's county of residence. A detailed

1 statement of the facts upon which a claim is based shall
 2 accompany the claim. Any dispute between counties arising from
 3 filings of claims pursuant to [this subsection](#) shall be settled
 4 in the manner provided to determine residency in section
 5 331.394.

6 Sec. 66. Section 232.142, subsections 3, 4, 5, and 6, Code
 7 2022, are amended to read as follows:

8 3. A county or multicounty juvenile detention home approved
 9 pursuant to [this section](#) shall receive financial aid from the
 10 state in a manner approved by the director, the director of the
 11 department of human rights, or a designee of the director of
 12 the department of human rights. Aid paid by the state shall
 13 be at least ten percent and not more than fifty percent of the
 14 total cost of the establishment, improvements, operation, and
 15 maintenance of the home. This subsection is repealed July 1,
 16 2023.

17 4. The director, the director of the department of human
 18 rights, or a designee of the director of the department of
 19 human rights shall adopt minimal rules and standards for the
 20 establishment, maintenance, and operation of such homes as
 21 shall be necessary to effect the purposes of [this chapter](#). The
 22 rules shall apply the requirements of [section 237.8](#), concerning
 23 employment and evaluation of persons with direct responsibility
 24 for a child or with access to a child when the child is
 25 alone and persons residing in a child foster care facility,
 26 to persons employed by, residing in, or volunteering for a
 27 home approved under [this section](#). The director shall, upon
 28 request, give guidance and consultation in the establishment
 29 and administration of the homes and programs for the homes.
 30 This subsection is repealed July 1, 2023.

31 5. The director, the director of the department of human
 32 rights, or a designee of the director of the department of
 33 human rights shall approve annually all such homes established
 34 and maintained under the provisions of [this chapter](#). A home
 35 shall not be approved unless it complies with minimal rules and

1 standards adopted by the director and has been inspected by the
2 department of inspections and appeals. The statewide number
3 of beds in the homes approved by the director shall not exceed
4 two hundred seventy-two beds beginning July 1, 2017. This
5 subsection is repealed July 1, 2023.

6 6. A juvenile detention home fund is created in the
7 state treasury under the authority of the department and the
8 department of human rights as the department and the department
9 of human rights agree. The fund shall consist of moneys
10 deposited in the fund pursuant to [section 602.8108](#). The moneys
11 in the fund shall be used for the costs of the establishment,
12 improvement, operation, and maintenance of county or
13 multicounty juvenile detention homes in accordance with annual
14 appropriations made by the general assembly from the fund for
15 these purposes. This subsection is repealed July 1, 2023.

16 Sec. 67. Section 232.142, Code 2022, is amended by adding
17 the following new subsections:

18 NEW SUBSECTION. 7. A county or multicounty juvenile
19 detention home approved pursuant to this section shall receive
20 financial aid from the state in a manner approved by the
21 director of the department of human rights or a designee of the
22 director of the department of human rights. Aid paid by the
23 state shall be at least ten percent and not more than fifty
24 percent of the total cost of the establishment, improvements,
25 operation, and maintenance of the home.

26 NEW SUBSECTION. 8. The director of the department of
27 human rights or a designee of the director of the department
28 of human rights shall adopt minimal rules and standards for
29 the establishment, maintenance, and operation of such homes as
30 shall be necessary to effect the purposes of this chapter. The
31 rules shall apply the requirements of section 237.8, concerning
32 employment and evaluation of persons with direct responsibility
33 for a child or with access to a child when the child is
34 alone and persons residing in a child foster care facility,
35 to persons employed by, residing in, or volunteering for a

1 home approved under this section. The director shall, upon
 2 request, give guidance and consultation in the establishment
 3 and administration of the homes and programs for the homes.

4 NEW SUBSECTION. 9. The director of the department of human
 5 rights or a designee of the director of the department of human
 6 rights shall approve annually all such homes established and
 7 maintained under the provisions of this chapter. A home shall
 8 not be approved unless it complies with minimal rules and
 9 standards adopted by the director and has been inspected by the
 10 department of inspections and appeals. The statewide number
 11 of beds in the homes approved by the director shall not exceed
 12 two hundred seventy-two beds.

13 NEW SUBSECTION. 10. The juvenile detention home fund in the
 14 state treasury shall be under the authority of the department
 15 of human rights. The fund shall consist of moneys deposited in
 16 the fund pursuant to section 602.8108. The moneys in the fund
 17 shall be used for the costs of the establishment, improvement,
 18 operation, and maintenance of county or multicounty juvenile
 19 detention homes in accordance with annual appropriations made
 20 by the general assembly from the fund for these purposes.

21 DIVISION X

22 JUVENILE JUSTICE REFORM — DECATEGORIZATION OF CHILD WELFARE
 23 AND JUVENILE JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION
 24 PROGRAMS

25 Sec. 68. Section 232.188, subsection 5, paragraph b,
 26 unnumbered paragraph 1, Code 2022, is amended to read as
 27 follows:

28 Notwithstanding [section 8.33](#), moneys designated for a
 29 project's decategorization services funding pool that remain
 30 unencumbered or unobligated at the close of the fiscal year
 31 shall not revert but shall remain available for expenditure as
 32 directed by the project's governance board for child welfare
 33 and juvenile justice systems enhancements and other purposes
 34 of the project for the next ~~two~~ three succeeding fiscal years.
 35 Such moneys shall be known as "*carryover funding*". Moneys may

1 be made available to a funding pool from one or more of the
2 following sources:

3 Sec. 69. NEW SECTION. **232.192 Early intervention and**
4 **follow-up programs.**

5 Contingent on a specific appropriation for these purposes,
6 juvenile court services shall do the following:

7 1. Develop or expand programs providing specific life
8 skills and interpersonal skills training for adjudicated
9 delinquent youth who pose a low or moderate risk to the
10 community.

11 2. Develop or expand a school-based program addressing
12 truancy and school behavioral problems for youth ages twelve
13 through seventeen.

14 3. Develop or expand an intensive tracking and supervision
15 program for adjudicated delinquent youth at risk for placement
16 who have been released from resident facilities, which shall
17 include telephonic or electronic tracking and monitoring and
18 intervention by juvenile authorities.

19 4. Develop or expand supervised community treatment
20 for adjudicated delinquent youth who experience significant
21 problems and who constitute a moderate community risk.

22 DIVISION XI

23 CONFORMING CODE CHANGES

24 Sec. 70. Section 232.52, subsection 3, paragraph c, Code
25 2022, is amended to read as follows:

26 c. Notwithstanding **subsection 2**, the court shall not order
27 group foster care placement of the child which is a charge
28 upon the state ~~if that placement is not in accordance with the~~
29 ~~service area plan for group foster care established pursuant to~~
30 ~~**section 232.143** for the departmental service area in which the~~
31 ~~court is located~~ unless the group foster care placement meets
32 requirements as established by the department in writing.

33 Sec. 71. Section 232.70, subsection 4, Code 2022, is amended
34 by striking the subsection.

35 Sec. 72. Section 232.71B, subsection 16, Code 2022, is

1 amended to read as follows:

2 16. *Conclusion of family assessment.* At the conclusion
3 of a family assessment, the department shall transfer the
4 case, if appropriate, to a contracted provider to review the
5 service plan for the child and family. The contracted provider
6 shall make a referral to the department abuse hotline if a
7 family's noncompliance with a service plan places a child at
8 risk. If any of the criteria for child abuse as defined in
9 section 232.68, subsection 2, paragraph "a", are met, the
10 department shall commence a child abuse assessment. If any of
11 the criteria for a child in need of assistance, ~~as defined in~~
12 pursuant to section 232.2, subsection 6 232.96A, are met, the
13 department shall determine whether to request a child in need
14 of assistance petition.

15 Sec. 73. Section 232.83, subsection 2, unnumbered paragraph
16 1, Code 2022, is amended to read as follows:

17 Anyone authorized to conduct a preliminary investigation
18 in response to a complaint may apply for, or the court on its
19 own motion may enter an ex parte order authorizing a physician
20 or hospital to conduct an outpatient physical examination or
21 authorizing a physician, a psychologist certified under section
22 154B.7, or a community mental health center accredited pursuant
23 to chapter 230A to conduct an outpatient mental examination of
24 a child if necessary to identify the nature, extent, and causes
25 of any injuries, emotional damage, or other such needs of a
26 child as specified in section 232.2, subsection 6, paragraph
27 "e", "e", or "f" 232.96A, subsection 3, 5, or 6, provided that
28 all of the following apply:

29 Sec. 74. Section 232.89, subsection 5, Code 2022, is amended
30 by striking the subsection.

31 Sec. 75. Section 232.98, subsection 1, paragraph b,
32 subparagraph (1), Code 2022, is amended to read as follows:

33 (1) Probable cause exists to believe that the child is
34 a child in need of assistance pursuant to section 232.2,
35 subsection 6, paragraph "e" or "f" 232.96A, subsection 5 or 6.

1 Sec. 76. Section 232.102, subsection 9, unnumbered
2 paragraph 1, Code 2022, is amended to read as follows:

3 An agency, facility, institution, or person to whom custody
4 of the child has been transferred pursuant to [this section](#)
5 shall file a written report with the court at least every six
6 months concerning the status and progress of the child. The
7 court shall hold a periodic dispositional review hearing for
8 each child in placement pursuant to [this section](#) in order
9 to determine whether the child should be returned home,
10 an extension of the placement should be made, a permanency
11 hearing should be held, or a termination of the parent-child
12 relationship proceeding should be instituted. The placement
13 shall be terminated and the child returned to the child's home
14 if the court finds by a preponderance of the evidence that the
15 child will not suffer harm in the manner specified in section
16 ~~232.2, subsection 6~~ [232.96A](#). If the placement is extended,
17 the court shall determine whether additional services are
18 necessary to facilitate the return of the child to the child's
19 home, and if the court determines such services are needed, the
20 court shall order the provision of such services. When the
21 child is not returned to the child's home and if the child has
22 been previously placed in a licensed foster care facility, the
23 department or agency responsible for the placement of the child
24 shall consider placing the child in the same licensed foster
25 care facility.

26 Sec. 77. Section 232.117, subsection 5, Code 2022, is
27 amended to read as follows:

28 5. If after a hearing the court does not order the
29 termination of parental rights but finds that there is clear
30 and convincing evidence that the child is a child in need
31 of assistance, ~~under pursuant to section 232.2, subsection~~
32 ~~6~~ [232.96A](#), due to the acts or omissions of one or both of
33 the child's parents the court may adjudicate the child to
34 be a child in need of assistance and may enter an order in
35 accordance with the provisions of [section 232.100, 232.101,](#)

1 232.102, or 232.104.

2 Sec. 78. Section 234.6, subsection 1, paragraph e,
3 subparagraph (3), Code 2022, is amended to read as follows:

4 (3) Family-centered services, as defined in section
5 ~~232.102, subsection 10, paragraph "b"~~ 232.102, subsection 2.

6 Sec. 79. Section 234.35, subsection 1, paragraph e, Code
7 2022, is amended to read as follows:

8 e. When a court has entered an order transferring the legal
9 custody of the child to a foster care placement pursuant to
10 section 232.46, section 232.52, subsection 2, paragraph "d",
11 or section 232.102, subsection 1. However, payment shall not
12 be made for a group foster care placement ~~shall be limited to~~
13 ~~those placements which conform to a service area group foster~~
14 ~~care plan established pursuant to section 232.143 unless the~~
15 group foster care meets requirements as established by the
16 department in writing.

17 Sec. 80. Section 234.35, subsection 1, paragraph i, Code
18 2022, is amended by striking the paragraph.

19 Sec. 81. Section 234.35, subsection 3, paragraph a, Code
20 2022, is amended to read as follows:

21 a. For a child who is eighteen years of age or older, family
22 foster care or independent living arrangements.

23 Sec. 82. Section 234.35, subsection 3, paragraph b, Code
24 2022, is amended by striking the paragraph.

25 Sec. 83. Section 234.35, subsection 4, Code 2022, is amended
26 by striking the subsection.

27 Sec. 84. Section 237.21, subsection 5, Code 2022, is amended
28 to read as follows:

29 5. Members of the state board and local boards, court
30 appointed special advocates, and the employees of the
31 department and the department of inspections and appeals are
32 subject to standards of confidentiality pursuant to sections
33 217.30, 228.6, subsection 1, sections 235A.15, 600.16,
34 and 600.16A. Members of the state and local boards, court
35 appointed special advocates, and employees of the department

1 and the department of inspections and appeals who disclose
2 information or records of the board or department, other than
3 as provided in subsections 2, 3, and 4, ~~sections 232.89 and~~
4 section 232.126, and section 237.20, subsection 2, are guilty
5 of a simple misdemeanor.

6 Sec. 85. Section 709A.5, Code 2022, is amended to read as
7 follows:

8 **709A.5 Interpretative clause.**

9 For the purposes of this chapter the word "*dependency*"
10 shall mean all the conditions as enumerated in section ~~232.2,~~
11 ~~subsection 6~~ 232.96A.

12 DIVISION XII

13 REPEALS

14 Sec. 86. REPEAL. Sections 232.143, 232.175, 232.176,
15 232.177, 232.178, 232.179, 232.180, 232.181, 232.182, 232.183,
16 232.184, 232.185, 232.186, 232.195, and 232.196, Code 2022, are
17 repealed.

18 DIVISION XIII

19 EFFECTIVE DATES

20 Sec. 87. EFFECTIVE DATE. The following take effect July 1,
21 2023:

22 1. The section of this Act enacting section 232.142,
23 subsections 7, 8, 9, and 10.

24 2. The section of this Act enacting section 232.192.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to juvenile justice.

29 DIVISION I — JUVENILE JUSTICE — CONSTRUCTION AND
30 DEFINITIONS. The bill revises the rules of construction for
31 interpreting Code chapter 232 (juvenile justice) to specify
32 that when a child is removed from the control of the child's
33 parents, a court must secure the least restrictive care for
34 the child's placement with a preference for placement with the
35 child's family or fictive kin.

1 The bill includes revised definitions and new definitions
2 for purposes of Code chapter 232. The bill redefines "child
3 in need of assistance" as a child who has been found to meet
4 the grounds for adjudication in a child in need of assistance
5 proceeding. The bill transfers portions of the Code concerning
6 when a child qualifies as a child in need of assistance to new
7 Code section 232.96A.

8 The bill redefines "court appointed special advocate"
9 as a person duly certified by the child advocacy board for
10 participation in the court appointed special advocate program
11 and appointed by the court to carry out the duties enumerated
12 in new Code section 237.24 (court appointed special advocates).

13 The bill defines "fictive kin" as an adult person who is not
14 a relative of a child but who has an emotionally significant
15 relationship with the child or the child's family.

16 The bill defines "foster care" as the provision of parental
17 nurturing, including but not limited to the furnishing of food,
18 lodging, training, education, supervision, treatment, or other
19 care, to a child on a full-time basis by a person, including an
20 adult relative or fictive kin of the child, and where the child
21 is under the placement, care, or supervision of the department
22 of human services (DHS), juvenile court services, or a tribe
23 with whom DHS has entered into an agreement pursuant to a court
24 order or voluntary placement, but not including a guardian of
25 the child.

26 The bill redefines "guardian" as a person who is not the
27 parent of a child, but who has been appointed by a court
28 having jurisdiction over the child, to have a permanent
29 self-sustaining relationship with the child and to make
30 important decisions which have a permanent effect on the life
31 and development of that child and to promote the general
32 welfare of that child. A guardian may be a court. Guardian
33 does not mean conservator, although a person who is appointed
34 to be a guardian may also be appointed to be a conservator.

35 The bill redefines "guardian ad litem" (GAL) as a person

1 appointed by the court to represent the interests of a child in
2 any judicial proceeding to which the child is a party.

3 The bill requires a court to make a finding of good cause
4 before enlarging or circumscribing the duties of a GAL in a
5 juvenile justice matter.

6 The bill requires a GAL to submit a written report to the
7 juvenile court and to each of the parties detailing how the
8 GAL complied with the required duties of a GAL. If the GAL
9 is also appointed to represent the child as an attorney, the
10 written report must contain an assessment of this dual role and
11 whether there is a need for the court to appoint a separate
12 GAL. Written reports must be submitted for each court hearing
13 unless otherwise ordered by the court.

14 The bill requires a GAL to provide a sibling of a child
15 who was not placed with the child with the reasons why the
16 child and the sibling have not been placed together and an
17 explanation of the efforts being made to facilitate placement
18 together or why efforts to place the child and sibling together
19 are not appropriate. This requirement shall not apply if the
20 sibling's age or mental state makes it inappropriate to give
21 such explanations.

22 The bill creates minimum requirements that a GAL must adhere
23 to when formulating a position which serves the best interests
24 of the child.

25 The bill removes "neglect" from the definition of "child
26 abuse and neglect", and creates a new definition of "neglect"
27 as the failure on the part of a person responsible for the care
28 of a child to provide for the adequate food, shelter, clothing,
29 medical or mental health treatment, supervision, or other care
30 necessary for the child's health and welfare when financially
31 able to do so, or when offered financial or other reasonable
32 means to do so.

33 The bill defines "putative father" as a person who has
34 been identified by the mother of a child as the child's
35 potential biological father or a person who claims to be the

1 biological father of a child and who was not married to the
2 child's mother at the time of the child's birth when all of
3 the following apply: biological testing has not excluded the
4 person as the child's biological father; no legal father has
5 been established, biological testing excludes the previously
6 identified father, or previous paternity has otherwise been
7 disestablished; information sufficient to identify and find
8 the person has been provided to the county attorney by the
9 mother, the person, or a party to any proceedings under Code
10 chapter 232; and the person has not been found by a court to be
11 uncooperative with genetic testing.

12 The bill redefines "relative" as an individual related
13 to the child within the fourth degree of consanguinity or
14 affinity, by marriage, or through adoption. For the purposes
15 of child in need of assistance matters and terminations of
16 parental rights, "relative" includes the parent of a sibling of
17 the child if the sibling's parent's parental rights were not
18 previously terminated in relation to the child.

19 The bill redefines "sibling" as an individual who is related
20 to another individual by blood, adoption, or affinity through
21 a common legal or biological parent, regardless of whether a
22 common legal or biological parent's parental rights have been
23 terminated.

24 The bill includes matters involving minor guardianships as
25 a matter that is restricted solely to the jurisdiction of the
26 juvenile court.

27 DIVISION II — JUVENILE DELINQUENCY PROCEEDINGS — TAKING
28 A CHILD INTO CUSTODY. The bill removes the option for a peace
29 officer who believes a child has run away from home to place a
30 child in a runaway assessment center.

31 DIVISION III — JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL
32 PROCEEDINGS. The bill allows a service of summons or notice
33 in juvenile delinquency proceedings and termination of
34 parent-child relationship proceedings to be made by publication
35 if a court believes service would otherwise be impracticable.

1 The bill allows a court to waive the requirement for
2 reasonable efforts to prevent the permanent removal of a child
3 from the child's home when the parent has been convicted of
4 the murder of another child; the parent has been convicted of
5 the voluntary manslaughter of another child; the parent has
6 been convicted of aiding or abetting, attempting, conspiring
7 in, or soliciting the commission of the murder or voluntary
8 manslaughter of another child; or the parent has been convicted
9 of a felony assault which resulted in serious bodily injury of
10 the child or of another child.

11 DIVISION IV — CHILD IN NEED OF ASSISTANCE — CHILD ABUSE
12 REPORTING, ASSESSMENT, AND REHABILITATION. The bill revises
13 the state's legislative findings establishing the purpose
14 and policy of child in need of assistance proceedings to
15 provide that the state recognizes that removing a child from
16 the child's family will cause the child harm and that the
17 harm caused by a child's removal must be weighed against the
18 potential harm in allowing a child to remain with the child's
19 family.

20 The bill requires an allegation of child abuse based on
21 the failure to provide certain care to the child or for the
22 unlawful use, possession, manufacturing, cultivating, or
23 distribution of certain dangerous substances to be reported to
24 DHS within five years of a report in order to qualify as child
25 abuse.

26 The bill requires all reports of possible child abuse to
27 be made orally by both mandatory reporters and permissive
28 reporters to DHS.

29 The bill requires multidisciplinary teams to assist in the
30 provision of services subsequent to the assessment, diagnosis,
31 and disposition of a child abuse assessment upon request by
32 DHS.

33 DIVISION V — CHILD IN NEED OF ASSISTANCE PROCEEDINGS —
34 TEMPORARY CUSTODY OF A CHILD. The bill requires a court,
35 prior to ordering a temporary removal of a child pursuant to

1 an ex parte order, to make a finding that substantial evidence
2 exists to demonstrate that the need for removal outweighs the
3 potential harm removal of a child from a child's family would
4 cause the child, including but not limited to any physical,
5 emotional, social, and mental trauma the removal may cause the
6 child. The bill requires a court, in any order for temporary
7 removal of a child, to make a finding that the necessity of
8 the removal of the child from the child's home, due to an
9 imminent risk to the child's life or health, is greater than
10 the potential harm including but not limited to physical,
11 emotional, social, and mental trauma the removal of the child
12 may cause the child.

13 The bill requires that, if the juvenile court determines
14 that a child's custody should be temporarily removed from the
15 child's home pursuant to an ex parte order, the court shall
16 consider placing the child in the temporary custody to another
17 parent of the child. If the juvenile court determines custody
18 with any of the child's parents is not in the child's best
19 interests, custody shall be transferred to DHS for placement of
20 the child in any of the following categories in the following
21 order of priority: an adult relative of the child, including
22 but not limited to adult siblings and parents of siblings; a
23 fictive kin; any other suitable placement identified by the
24 child's relatives; an individual licensed to provide foster
25 care; or a group care facility, shelter care facility, or other
26 residential treatment facility. If a child is placed with a
27 licensed foster care provider, DHS must assign decision-making
28 authority to the foster care provider for the purpose of
29 applying the reasonable and prudent parent standard during the
30 child's placement.

31 The bill provides that if a court places custody of a child
32 with DHS for temporary placement of a child, the court may
33 identify a category for placement of the child, but DHS shall
34 select the specific person or facility placement.

35 The bill requires a court to make a specific finding that

1 placement with an adult relative is not in the child's best
2 interests and provide reasons for the finding before a court
3 may order placement of a child in a category consisting of
4 nonrelatives.

5 The bill requires a peace officer or juvenile court officer
6 who takes a child into custody, a physician treating a child,
7 or a peace officer, physician, or medical security personnel
8 authorized by a juvenile court officer to take a child into
9 custody to make every reasonable effort to place the child with
10 an adult relative of the child or a fictive kin.

11 The bill requires a peace officer who has determined a child
12 does not have adult supervision because the child's parent,
13 guardian, or other person responsible for the care of the
14 child has been arrested and detained or has been unexpectedly
15 incapacitated, and that no adult who is legally responsible for
16 the care of the child can be located within a reasonable period
17 of time, to attempt to place the child with an adult relative
18 of the child or a fictive kin of the child.

19 The bill defines "safety plan" as a short-term, time-limited
20 agreement entered into between DHS and a child's parent
21 designed to address signs of imminent or impending danger to
22 a child as identified by DHS. The bill allows DHS to enter
23 into a safety plan with a child's parent upon a determination
24 by DHS that potential harm to a child may be mitigated by the
25 development of a safety plan. The bill provides that the
26 implementation of a safety plan shall not be construed as a
27 removal from parental custody absent a court order placing
28 the child with a person or facility other than the parent who
29 entered into the safety plan. The bill directs DHS to adopt
30 rules to implement the new Code section relating to safety
31 plans.

32 The bill allows a court to enter an ex parte order removing
33 an alleged domestic abuser from a child's home if a court, DHS,
34 a juvenile court officer, or a county attorney alleges that the
35 alleged domestic abuser has committed domestic abuse against or

1 in the presence of a child upon a showing that probable cause
2 exists to believe that the domestic abuse has occurred and that
3 substantial evidence exists to believe that the presence of the
4 alleged domestic abuser in the child's residence presents a
5 danger to the child's life or physical, emotional, or mental
6 health.

7 The bill allows a court or alleged domestic abuser to file a
8 motion for a hearing to determine whether the order to vacate
9 the residence should be upheld, modified, or vacated.

10 The bill requires a hearing to be held within 30 days of
11 removal of an alleged sexual offender, physical abuser, or
12 domestic abuser from a child's residence.

13 The bill requires that, unless custody of a child is
14 transferred from one of the child's parents to another parent
15 of the child, within 30 days after the entry of an order
16 removing the child from the custody of the child's parent or
17 parents, DHS, juvenile court services, or a private agency must
18 exercise due diligence in identifying and providing notice
19 to the child's grandparents, aunts, uncles, adult siblings,
20 parents of the child's siblings, and adult relatives suggested
21 by the child's parents, subject to exceptions due to the
22 presence of family or domestic violence.

23 The bill authorizes DHS, juvenile court services, or a
24 private agency to share information as necessary to explore
25 a child's potential placement with any of the child's
26 grandparents, aunts, uncles, adult siblings, parents of the
27 child's siblings, and adult relatives suggested by the child's
28 parents, subject to exceptions due to the presence of family or
29 domestic violence.

30 The bill requires DHS to provide notice of a child's
31 transfer of custody to grandparents, aunts, uncles, adult
32 siblings, parents of the child's siblings, and adult relatives
33 suggested by the child's parents who were later discovered by
34 or identified to DHS within 30 days of that individual becoming
35 known to DHS.

1 DIVISION VI — CHILD IN NEED OF ASSISTANCE PROCEEDINGS —
2 JUDICIAL PROCEEDINGS. The bill allows putative fathers the
3 right to counsel in connection with child in need of assistance
4 hearings and proceedings.

5 The bill requires a court to appoint separate legal counsel
6 for a child if that child is represented by counsel and there
7 is a conflict of interest between the counsel and the child's
8 putative father.

9 The bill allows a court to appoint a separate person for a
10 child's counsel and the child's GAL if the same person cannot
11 properly represent the child's best interests in accordance
12 with the framework established in the definition of a GAL.

13 The bill requires that if a child's GAL is also acting as
14 legal counsel for the child, each report submitted to a court
15 by the GAL shall contain a statement indicating whether a
16 separate GAL is required based on the GAL's interviews and
17 investigations conducted until the time the GAL submits a
18 report to the court.

19 The bill prohibits a court from appointing a court-appointed
20 special counsel as a GAL.

21 The bill requires a child's parent to be made a party to a
22 child in need of assistance proceeding.

23 The bill allows an agency, facility, institution, relative
24 with a substantial relationship to the child, fictive kin, or
25 individual providing custodial care to the child to petition
26 a court to be made a party to a child in need of assistance
27 proceeding.

28 The bill creates the presumption that it is in the best
29 interests of a child 10 years of age or older to attend all
30 child in need of assistance hearings.

31 The bill prohibits any continuances in a child in need of
32 assistance or termination of parental rights proceeding except
33 upon a showing of good cause.

34 The bill provides that upon a hearing regarding temporary
35 removal of a child from a child's home after the filing of a

1 child in need of assistance petition, a court may return the
2 child to a person with legal custody of the child pending a
3 final order of disposition; authorize a physician or hospital
4 to provide medical or surgical procedures if such procedures
5 are necessary to safeguard the child's life or health; remove
6 the child from home and place the child with a parent of the
7 child pending a final order of disposition; or remove the child
8 from home and place custody of the child with DHS for placement
9 of the child, pending a final order of disposition, in any of
10 the following categories in the following order of priority:
11 an adult relative of the child, including but not limited to
12 adult siblings and parents of siblings; a fictive kin; any
13 other suitable placement identified by the child's relatives;
14 an individual licensed to provide foster care; or a group care
15 facility, shelter care facility, or other residential treatment
16 facility. If the child is placed with a licensed foster care
17 provider, the bill requires DHS to assign decision-making
18 authority to the foster care provider for the purpose of
19 applying the reasonable and prudent parent standard during the
20 child's placement.

21 The bill requires a court that orders the temporary removal
22 of a child pursuant to the filing of a child in need of
23 assistance petition to make a determination that continuation
24 of the child in the child's home would be contrary to the
25 welfare of the child, that reasonable efforts have been made
26 to prevent or eliminate the need for removal of the child from
27 the child's home, and that substantial evidence exists to
28 demonstrate that the need for removal due to an imminent risk
29 to the child's life or health is greater than the potential
30 harm including but not limited to any physical, emotional,
31 social, or mental trauma the removal may cause the child.

32 The bill requires a court to make a determination regarding
33 continuation of the child in the child's home, and regarding
34 reasonable efforts, including those made to prevent removal
35 and those made to finalize any permanency plan in effect, as

1 well as any determination by the court that reasonable efforts
2 are not required, on a case-by-case basis. The grounds for
3 each determination must be explicitly documented and stated in
4 the court order while giving the preservation of the safety
5 of the child paramount consideration. If imminent danger to
6 the child's life or health exists at the time of the court's
7 consideration, the determinations otherwise required must not
8 be a prerequisite for an order for temporary removal of the
9 child.

10 The bill provides that if a court places temporary custody
11 of a child with DHS after the filing of a child in need of
12 assistance petition, the court may identify a category for
13 placement of the child, but DHS shall have the sole authority
14 to select the specific person or facility within that category
15 for placement.

16 The bill prohibits a court from ordering temporary placement
17 of a child in a category consisting of nonrelatives without
18 a specific finding that placement with an adult relative is
19 not in the child's best interest and providing reasons for the
20 finding.

21 The bill requires a court order removing a child from
22 the child's parent after the filing of a child in need of
23 assistance petition to include a statement informing the
24 child's parent that the consequences of a permanent removal may
25 include termination of the parent's rights with respect to the
26 child.

27 The bill allows a report, study, record, or other writing or
28 an audiotape or videotape recording made by a child protection
29 center to be admitted into evidence in a child in need of
30 assistance proceeding.

31 The bill allows a court that determines a child is a child
32 in need of assistance to order the temporary removal of a
33 child from the child's home. If the court does order such a
34 removal, the court may place the child with a parent of the
35 child pending a final order of disposition or remove the child

1 from home and place custody of the child with DHS for placement
2 of the child, pending a final order of disposition, with any of
3 the following in order of priority: an adult relative of the
4 child, including but not limited to adult siblings and parents
5 of siblings; a fictive kin; any other suitable placement
6 identified by the child's relatives; an individual licensed to
7 provide foster care; or a group care facility, shelter care
8 facility, or other residential treatment. If the child is
9 placed with a licensed foster care provider, the bill requires
10 DHS to assign decision-making authority to the foster care
11 provider for the purpose of applying the reasonable and prudent
12 parent standard during the child's placement.

13 The bill requires orders for temporary removal of a child
14 after determining a child to be a child in need of assistance
15 to include a determination that substantial evidence exists to
16 demonstrate that the need for removal due to an imminent risk
17 to the child's life or health is greater than the potential
18 harm including but not limited to any physical, emotional,
19 social, or mental trauma the removal may cause the child, and,
20 if the court orders a removal of a child for placement with a
21 nonrelative, a specific finding that placement with an adult
22 relative is not in the child's best interest and reasons for
23 the finding.

24 The bill provides that if the court places custody of a child
25 with DHS after ordering the temporary removal of the child,
26 the court may identify a category of individuals or facilities
27 as previously specified for placement of the child, but DHS
28 shall have the sole authority to select the specific person or
29 facility within that category for placement.

30 The bill requires DHS to file a copy of a social
31 investigation report created pursuant to a child in need of
32 assistance proceeding with the court, and the court shall
33 restrict access to the social investigation report except
34 for counsel for the child, counsel for the child's parent, a
35 guardian or custodian, DHS, the state's counsel, the court

1 appointed special advocate, the county attorney, and the GAL.

2 The bill authorizes a court, in the court's discretion, to
3 order counsel not to disclose parts of a social investigation
4 report to the child, or to the parent, guardian, or custodian
5 of the child.

6 The bill provides that a child's parent, guardian, or foster
7 parent or other person with custody of or providing substantial
8 care to a child in need of assistance shall be provided with
9 information from a social investigative report indicating the
10 child or parent has behaved in a manner that threatened the
11 safety of another person, has committed a violent act causing
12 bodily injury to another person, has committed sexual abuse,
13 or has been a victim of sexual abuse, unless otherwise ordered
14 by the court.

15 The bill allows a court, after a dispositional hearing, to
16 enter an order transferring the legal custody of the child to
17 a parent of the child. If the court determines that custody
18 with the child's parents is not in the child's best interests,
19 custody shall be transferred to DHS for placement of the child
20 in the same manner as a temporary removal of a child.

21 The bill prohibits a court from ordering group foster care
22 placement of a child which is a charge upon the state unless
23 that placement is in compliance with procedures established by
24 DHS in writing.

25 The bill eliminates a requirement that a court review and
26 address a child's participation in developmentally appropriate
27 extracurricular activities.

28 The bill moves Code language concerning the definition of
29 "reasonable efforts" and "family-centered services" to new Code
30 section 232.102A for purposes of child in need of assistance
31 proceedings.

32 The bill allows DHS or juvenile court services to authorize
33 reasonable visitation between a child and the child's adult
34 relative or fictive kin unless prohibited by court order or DHS
35 or juvenile court services finds that allowing the visitation

1 would not be in the child's best interest.

2 The bill requires that interactions between a child and the
3 child's family continue regardless of a parent's failure to
4 comply with requirements of the court or DHS, provided there
5 is no finding by a court or DHS that such interaction would be
6 detrimental to the child.

7 The bill allows a child's parent, guardian, or custodian to
8 file a motion to terminate, modify, or vacate and substitute
9 a dispositional order at least once every 60 days except with
10 leave of the court for good cause shown.

11 The bill requires a court-appointed attorney to be paid by
12 the state public defender's office for reasonable work done
13 relating to a bridge order.

14 The bill allows a court at a child's permanency hearing to
15 order a transfer of guardianship and custody of the child to an
16 adult relative, fictive kin, or other suitable person.

17 The bill requires a court, when entering a permanency order
18 for a child, to transfer the legal custody of the child to
19 a parent of the child. If the court finds that custody of
20 the child with the child's parents is not in the child's best
21 interests, custody must be transferred to DHS for placement of
22 the child in the same manner as temporary placement of a child.

23 The bill requires that, if a court that orders the transfer
24 of custody of a child and siblings for placement, reasonable
25 efforts shall be made to place the child and siblings together
26 whenever possible and if placement together is in the best
27 interests of each child. This requirement remains applicable
28 to custody transfer orders made at separate times, provided the
29 requirement will not jeopardize the stability of placements and
30 is in the best interest of each child. This requirement also
31 applies in addition to efforts made to place the child with an
32 adult relative.

33 The bill requires a child's attorney or GAL, if custody of
34 siblings is transferred but they are not placed in the same
35 placement together, to provide the siblings with the reasons

1 why and the efforts being made to facilitate such placement,
 2 or why making efforts for such placement is not appropriate.
 3 An explanation is not required if the siblings' ages or mental
 4 states make such an explanation inappropriate.

5 The bill requires that, unless visitation or ongoing
 6 interaction with siblings is suspended or terminated by the
 7 court, DHS or a private agency shall make reasonable efforts to
 8 place the siblings together and provide for visitation or other
 9 ongoing interaction between the child and the child's siblings.

10 The bill allows a person who wishes to assert a sibling
 11 relationship with a child who is subject to an order issued for
 12 an out-of-home placement to request visitation or other ongoing
 13 interaction with the child by filing a motion or petition with
 14 the court with jurisdiction over the child.

15 DIVISION VII — TERMINATION OF PARENT-CHILD RELATIONSHIP
 16 PROCEEDINGS. The bill requires a county attorney to file a
 17 petition for termination of a parent-child relationship and
 18 parental rights to a child or, if a petition has been filed,
 19 join in the petition if the child's parent has been convicted
 20 of murder or the voluntary manslaughter of another child;
 21 aiding or abetting, attempting, conspiring in, or soliciting
 22 the commission of the murder or voluntary manslaughter of
 23 another child; or a felony assault which resulted in serious
 24 bodily injury of the child or of another child.

25 The bill allows a court to authorize service by publication
 26 in termination of parent-child relationship proceedings if the
 27 court determines that personal service is impracticable.

28 The bill provides that a court shall not require a finding
 29 of a nonaccidental physical injury when considering whether to
 30 terminate parental rights on the grounds a child subject to the
 31 proceeding, or a child who is a member of the same family of
 32 the child subject to the proceeding, was physically or sexually
 33 abused or neglected as the result of the acts or omissions of
 34 one or both parents.

35 The bill allows a court to terminate parental rights if

1 a child is adjudicated a child in need of assistance, the
2 parent presents a danger to self or others as evidenced by
3 prior acts, the parent has a severe substance-related disorder
4 either as that term is defined in the most current edition of
5 the diagnostic and statistical manual prepared by the American
6 psychiatric association or as evidenced by prior acts, or the
7 disorder is evidenced by continued and repeated use through
8 the case when the parent refuses to obtain a substance abuse
9 evaluation or treatment after given the opportunity to do so
10 and there is clear and convincing evidence that the parent's
11 prognosis indicates that the child will not be able to be
12 returned to the custody of the parent within a reasonable
13 period of time considering the child's age and need for a
14 permanent home.

15 The bill allows a court to terminate parental rights if the
16 court concludes that facts sufficient to sustain the petition
17 have been established by clear and convincing evidence. If the
18 court terminates the parental rights of the child's parent,
19 the bill requires the court to transfer the guardianship and
20 custody of the child to a parent of the child whose parental
21 rights have not been terminated. If the court find that
22 guardianship and custody with the child's parents is not in
23 the child's best interests, the bill requires guardianship and
24 custody to be transferred for placement of the child, with
25 any of the following in order of priority: DHS if DHS had
26 custody of the child at the time of the filing of the petition
27 for termination of parental rights, or if custody with DHS
28 is necessary to facilitate the permanency or adoption goal,
29 unless DHS waives its priority; an adult relative of the child,
30 including but not limited to adult siblings or parents of
31 siblings; a fictive kin; or a child-placing agency or other
32 suitable private agency, facility, or institution which is
33 licensed or otherwise authorized by law to receive and to
34 provide care for the child.

35 The bill requires a court, when the court orders a

1 termination of parental rights and siblings are not placed
 2 together but have an existing relationship, to order ongoing
 3 contact between the siblings if the court finds that visitation
 4 or ongoing interaction is in the best interest of each sibling.
 5 However, this requirement shall not be construed to require
 6 visitation between a child and a parent whose parental rights
 7 have been terminated for that child, even if a sibling remains
 8 with the parent.

9 The bill provides that a moving party or a party opposed to
 10 the actions taken by a court-appointed guardian has the burden
 11 to establish that the court-appointed guardian failed to act
 12 in the child's best interest by unreasonably or irresponsibly
 13 failing to discharge the guardian's duties in finding a
 14 suitable adoptive home for the child.

15 The bill requires a court to give deference to the decision
 16 of a court-appointed guardian in a termination of parental
 17 rights proceeding and prohibits the court from conducting a de
 18 novo review of the guardian's decision regarding placement.

19 DIVISION VIII — FAMILY IN NEED OF ASSISTANCE PROCEEDINGS.
 20 The bill prohibits a court from appointing a court appointed
 21 special advocate as a GAL.

22 The bill prohibits a court from ordering placement of a child
 23 in group foster care if such a placement would be a charge upon
 24 the state unless the group foster care meets requirements as
 25 established by DHS in writing.

26 The bill establishes the duties, limitations, and rights of
 27 court appointed special advocates.

28 DIVISION IX — JUVENILE COURT EXPENSES AND COSTS — SHELTER
 29 AND DETENTION HOMES. The bill provides that if the actual and
 30 allowable costs of a child's shelter care placement exceed the
 31 amount the department of human services is authorized to pay,
 32 the unpaid costs may be recovered from the child's custodial
 33 parent's county of residence unless the group foster care meets
 34 requirements as established by DHS in writing.

35 The bill provides that the maximum amount of the unpaid

1 costs which may be recovered from a child's custodial parent's
2 county of residence for the child's shelter costs is limited
3 to the difference between the amount DHS is authorized to pay
4 and the statewide average of the actual and allowable rates as
5 reasonably determined by DHS annually. The bill also limits
6 the amount a home may be reimbursed to the lesser of the home's
7 actual and allowable costs or the statewide average of the
8 actual and allowable rates as determined by DHS and in effect
9 on the date the costs were paid.

10 The bill requires a county or multicounty juvenile detention
11 home to receive financial aid from the state in a manner
12 approved by the director of DHS or the director of the
13 department of human rights (DHR) or the director's designee.
14 Beginning July 1, 2023, only the director of DHR or the DHR
15 director's designee may approve the manner in which a county
16 or multicounty juvenile detention home shall receive financial
17 aid from the state.

18 The bill requires the director of DHS or the director of DHR
19 or the director's designee to adopt minimal rules and standards
20 for the establishment, maintenance, and operation of juvenile
21 detention homes. Beginning July 1, 2023, only the director of
22 DHR or the director's designee may adopt rules and standards
23 for the establishment, maintenance, and operation of juvenile
24 detention homes.

25 The bill allows the director of DHS or the director of DHR
26 or the director's designee to annually approve all juvenile
27 detention homes. Beginning July 1, 2023, only the director of
28 DHR or the director's designee will be required to approve the
29 juvenile detention homes.

30 The bill gives authority over the juvenile detention home
31 fund of the state treasury to DHS and DHR as DHS and DHR agree.
32 Beginning July 1, 2023, only DHR shall have authority over the
33 fund.

34 DIVISION X — DECATEGORIZATION OF CHILD WELFARE AND JUVENILE
35 JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION PROGRAMS.

1 The bill provides that moneys designated for a project's
 2 decategorization services funding pool that remain unencumbered
 3 or unobligated at the close of the fiscal year shall not revert
 4 but shall remain available for expenditure as directed by the
 5 project's governance board for child welfare and juvenile
 6 justice systems enhancements and other purposes of the project
 7 for the next three succeeding fiscal years.

8 The bill shifts responsibility from DHS to juvenile court
 9 services to develop or expand programs providing specific
 10 life skills and interpersonal skills training for adjudicated
 11 delinquent youth who pose a low or moderate risk to the
 12 community; develop or expand a school-based program addressing
 13 truancy and school behavioral problems for youth ages 12
 14 through 17; develop or expand an intensive tracking and
 15 supervision program for adjudicated delinquent youth at risk
 16 for placement who have been released from resident facilities,
 17 to include telephonic or electronic tracking and monitoring and
 18 intervention by juvenile authorities; and develop or expand
 19 supervised community treatment for adjudicated delinquent
 20 youth who experience significant problems and who constitute a
 21 moderate community risk.

22 DIVISION XI — CONFORMING CODE CHANGES. The bill makes
 23 conforming Code changes to Code sections 232.19(1)(c) (taking
 24 a child into custody); 232.52(3)(c) (group foster care
 25 placement for delinquent acts); 232.68(2)(a)(7)(a) (child
 26 abuse definition); 232.71B(16) (DHS duties — report of
 27 abuse); 232.83(2) (child sexual abuse); 232.98(1)(b)(1) (child
 28 in need of assistance, physical and mental examinations);
 29 232.102(9) (child in need of assistance, transfer of legal
 30 custody of child and placement); 232.111(2)(a)(2) (termination
 31 of parental rights petition); 232.117(5) (terminations —
 32 findings — disposition); 232.126(2) (appointment of counsel
 33 and GAL); 232.127(8) (hearing — adjudication — disposition);
 34 234.6(1)(e)(3) (powers and duties of the administrator of
 35 the department of human services); 234.35(1) (when state to

1 pay foster care costs), and 709A.5 (contributing to juvenile
2 delinquency).

3 DIVISION XII — REPEALS. The bill repeals the Code section
4 related to service area group foster care budget targets.

5 The bill repeals the Code section related to voluntary
6 foster care placement.

7 The bill repeals the Code section relating to reasonable
8 efforts administrative requirements.

9 The bill repeals Code sections relating to runaway treatment
10 plans and runaway assessment centers.

11 The bill allows DHS to pay for the family foster care or
12 independent living arrangements of a child who is 18 years of
13 age or older.

14 The bill eliminates the requirement that DHS report
15 annually on the number of children for whom the state paid for
16 independent living services during the immediately preceding
17 fiscal year.

18 DIVISION XIII — EFFECTIVE DATES. The section of the bill
19 providing DHR sole authority over the decategorization of child
20 welfare and juvenile justice funding initiative and the section
21 relating to early intervention and follow-up programs take
22 effect July 1, 2023.